

DRAFT FOREIGN SERVICE ACT

AMENDMENTS

OF 1965

February 17, 1965

PART B--OBJECTIVES

Existing Legislation

Sec. 111. The Congress hereby declares that the objectives of this Act are to develop and strengthen the Foreign Service of the United States so as--

(1) to enable the Foreign Service effectively to serve abroad the interests of the United States;

Proposed Legislation

Sec. 111. The Congress hereby declares that the objectives of this Act are to develop and strengthen the Foreign Service of the United States so as--

(1) to enable the Foreign Service effectively to serve at home and abroad the interests of the United States;

A proposed amendment to section 111(1) will, in conjunction with other amendments relating to the service of Foreign Service personnel in the United States reflect the concept that the conduct of Foreign Affairs programs requires the assignment of Foreign Service personnel in the United States as well as abroad. As is stated in support of the proposed amendment to section 571(a) removing the limitation on the time officers and employees of the Service may be assigned to the United States, the Secretary

Sec. 111.

needs broad discretionary authority with respect to the utilization of Foreign Service personnel and he should not be limited to any specified period of assignment for such personnel.

Other proposed amendments, e.g., sections 522 and 523 would enable the Secretary to appoint a category of Career Reserve officers without time limit whose service would be entirely within the United States. This category would include officer personnel now serving in Washington or elsewhere in the United States with the Foreign Affairs agencies who are Civil Service employees.

BOARD OF THE FOREIGN SERVICE

Existing LegislationSec. 211. (a) The

Board of the Foreign Service shall be composed of the Assistant Secretary of State in charge of the administration of the Department, who shall be chairman; two other Assistant Secretaries of State, designated by the Secretary to serve on the Board; the Director General; and one representative each, occupying positions with comparable responsibilities, from the Departments of Agriculture, Commerce, and Labor, designated, respectively, by the heads of such departments.]

The Secretary may request the head of any [other] Government [department] to designate a

Proposed LegislationSec. 211. (a) The

Secretary shall prescribe the membership of the Board of the Foreign Service which shall include representatives of such other Government agencies as he deems appropriate. The Secretary may request the head of any Government agency to designate a representative to attend meetings of the Board whenever matters affecting the interest of such agency are under consideration.

Existing Legislation

representative /, occupying a position with comparable responsibilities, / to attend meetings of the Board whenever matters affecting the interest of such /department/ are under consideration.

(b) The Board of the Foreign Service shall /make recommendations to/ the Secretary concerning the functions of the Service; /the policies and procedures to govern the selection, assignment, rating, and promotion of Foreign Service officers; and / the policies /and procedures/ to govern the administration and personnel management of the Service; and shall perform such other duties as are /vested in it by other sections of this Act or by the terms of any other Act /.

Proposed Legislation

(b) The Board of the Foreign Service shall advise the Secretary concerning the functions of the Service; the policies to govern the administration and personnel management of the Service; and shall perform such other duties as are assigned to it by the Secretary.

The proposed amendment to section 211 (a) will eliminate the necessity for amending this Act whenever the relationship of the Department to other agencies changes. It is advisable to leave to the discretion of the Secretary the exact character and membership of the Board. The proposed change also eliminates references to the rank of the representatives on the Board. It should be noted that, in many of its meetings, the Board's business is conducted by alternate representatives substantially lower in rank than the rank of an Assistant Secretary.

For example, at the time of the enactment of the Foreign Service Act of 1946, there was need for the participation of representatives of the Department of Agriculture in the activities of the Board of the Foreign Service since Agriculture was dependent upon the Department for the conduct of its overseas foreign affairs responsibilities. The Department of Agriculture now has its own foreign service and no longer sends representatives to attend meetings of the Board of the Foreign Service. With the discretionary authority this amendment would give the Secretary, it is contemplated that he would vary the membership of the Board to meet the need of the Department and other

agencies. The Departments of Commerce and Labor, the United States Information Agency, and any other agencies having a continuing interest in the Board's authority might participate on a regular basis.

The amendment to section 211(b) is intended to emphasize the role of the Board as an advisory group on matters of broad administrative policy. Accordingly, the references to "selection, assignment, rating, and promotion of Foreign Service officers" have been eliminated since these are integral segments of the administrative and personnel management programs, and their particularization might imply that the Board's interest should be restricted to the specific functions enumerated.

Elsewhere in the Act, notably sections 502, 522 and 622, references to the Board's responsibility with respect to promotion and appointment are being eliminated. The Board's responsibility for conducting hearings in connection with separations for cause as defined in section 607 is also being deleted for the same reason.

TITLE IV--CATEGORIES AND SALARIES OF PERSONNEL

PART A--CATEGORIES OF PERSONNEL

Existing Legislation

Sec. 401. The personnel of the Service shall consist of the following categories of officers and employees:

(1) Chiefs of mission, who shall be appointed or assigned in accordance with the provisions of section 501;

(2) Foreign Service officers, who shall be appointed in accordance with section 511, including those serving as chiefs of mission;

(3) Foreign Service Reserve officers, who shall be assigned to the Service [on a temporary basis] from

Proposed Legislation

Sec. 401. The personnel of the Service shall consist of the following categories of officers and employees:

(1) Chiefs of mission, who shall be appointed or assigned in accordance with the provisions of section 501;

(2) Foreign Service officers, who shall be appointed in accordance with section 511, including those serving as chiefs of mission;

(3) Foreign Service Reserve officers, who shall be assigned to the Service from Government agencies

-8-

Sec. 401.

Existing Legislation

Government agencies or
appointed [on a temporary
basis from outside the
Government] in accordance
with the provisions of
section 522 [, in order
to make available to the
Service such specialized
skills as may from time
to time be required];

Proposed Legislation

or appointed in accord-
ance with the provisions
of section 522;

The proposed amendment to section 401(3) identifies the categories of Foreign Service Reserve officers as those who shall be appointed or assigned in accordance with the provisions of section 522. The proposed amendments to section 522 will authorize the establishment of a category of Reserve officers appointed without limit as to time, the continuance of the limited Foreign Service Reserve category now in the Service, and the establishment of a Reserve category of officers whose services are needed on an intermittent basis.

Existing Legislation

CHIEFS OF MISSION

Sec. 411. The President shall for salary purposes classify into four classes the positions which are to be occupied by chiefs of mission. The per annum salaries of chiefs of mission within each class shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V.

Proposed Legislation

CHIEFS AND DEPUTY CHIEFS
OF MISSION

Sec. 411. (a) The President shall for salary purposes classify into four classes the positions which are to be occupied by chiefs of mission. The per annum salaries of chiefs of mission within each class shall be at the rate provided by law for the levels of the Federal Executive Salary Schedule as follows: class 1, the rate for level II; class 2, the rate for level III; class 3, the rate for level IV; and class 4, the rate for level V.

(b) The position of
deputy chief of mission at
a post classified as a class 1

Existing LegislationProposed Legislation

mission under paragraph (a)
of this section shall be
compensated at the rate pro-
vided by law for level V of
the Federal Executive Salary
Schedule.

The proposed new paragraph (b) of section 411 would for the first time establish a statutory salary for the position of deputy chief of mission at class 1 missions. Any officer, regardless of his rank in the Foreign Service, would thereby be entitled while serving in such position to a salary equivalent to that of career minister, which is set at level V of the Federal Executive Salary Schedule. This is the salary level at which the position of chief of mission at class 4 missions is classified under present authority.

Since the majority of Foreign Service officers in the class of career minister are needed for service as chief of mission or for assignment to other key positions, it is necessary for the Secretary to fill deputy chief of mission positions, even at class 1 missions, with officers below the rank of career minister.

It has long been recognized that the responsibilities of the principal deputy at a large and important diplomatic mission are at least as demanding as those of ambassadors at our smaller embassies. Consequently, the process of assigning officers to these positions requires the most careful evaluation of the qualifications, background and suitability of persons available for such assignment. The Secretary should have the flexibility in such instances to select the best qualified candidate from any category of the Foreign Service and to offer him the compensation to which the responsibilities of the position entitle him.

FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES

Existing Legislation

Sec. 415. (a)

No change necessary.

(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, for American employees [recruited abroad who are not available or are not qualified for transfer to another post and] who perform duties of a more routine nature than are generally performed at the class 10 level.

Proposed Legislation

Sec. 415. (a)

(b) Notwithstanding the provisions of subsection (a) of this section, the Secretary may, under such regulations as he may prescribe, classify positions at levels below class 10, and establish salary rates therefor at lower rates than those prescribed by this section, for American employees who perform duties of a more routine nature than are generally performed at the class 10 level.

Sec. 415.(b)

The proposed amendment to section 415(b) will authorize the Secretary to establish salary rates below those scheduled for class FSS-10 for American employees who perform duties of a more routine nature than are generally performed at the class 10 level. Existing authority limits the use of rates lower than class 10 for those American employees "recruited abroad who are not available or are not qualified for transfer to another post". Since it is contemplated that all Civil Service employees in the Foreign Affairs agencies at the clerical as well as the officer level will be appointed under authority of the Foreign Service Act, this change is proposed to accommodate clerical employees now at the GS-1, 2 and 3 grade levels.

AS CHARGÉ D'AFFAIRES AD INTERIM

Existing Legislation

Sec. 421. For such time as any [Foreign Service] officer shall be authorized to act as chargé d'affaires ad interim at the post to which he is assigned, he shall receive, in addition to his basic salary as [Foreign Service] officer, compensation equal to that portion of the difference between such salary and the basic salary provided for the chief of mission as the Secretary may determine to be appropriate.

Proposed Legislation

Sec. 421. For such time as any officer of the Service shall be authorized to act as chargé d'affaires ad interim at the post to which he is assigned, he shall receive, in addition to his basic salary as an officer of the Service, compensation equal to that portion of the difference between such salary and the basic salary provided for the chief of mission as the Secretary may determine to be appropriate.

The proposed amendment to section 421 would provide that any officer of the Service might under appropriate circumstances be authorized to act as chargé d'affaires ad interim and receive so much of the difference between his basic salary and that of the chief of mission as the Secretary may determine to be justified.

Under existing legislation only Foreign Service officers serving as chargés may receive chargé pay differential. The needs of the Service may require the designation of officers of the Service other than Foreign Service officers as chargés, and this amendment will authorize their receipt of appropriate chargé pay.

AS OFFICERS IN CHARGE OF CONSULATES GENERAL OR CONSULATES

Existing Legislation

Sec. 422. For such time as any [Foreign Service] officer [or any consul or vice consul who is not a Foreign Service officer] is temporarily in charge of a consulate general or consulate during the absence or incapacity of the principal officer, he shall receive, in addition to his basic salary as [Foreign Service] officer [or consul or vice consul], compensation equal to that portion which the Secretary shall determine to be appropriate of the difference between such salary and the basic salary provided for the principal officer, or, if there be none, of the former principal officer.

Proposed Legislation

Sec. 422. For such time as any officer of the Service is temporarily in charge of a consulate general or consulate during the absence or incapacity of the principal officer, he shall receive, in addition to his basic salary as an officer of the Service, compensation equal to that portion which the Secretary shall determine to be appropriate of the difference between such salary and the basic salary provided for the principal officer, or, if there be none of the former principal officer.

The proposed amendment to section 422 would broaden the authority of the Secretary with respect to the temporary assignment of officers-in-charge at consular posts. Under existing legislation only a Foreign Service officer or a consul or vice consul who is not a Foreign Service officer may be so assigned and granted additional compensation for such service. This amendment will provide the Secretary with needed authority to place any officer of the Foreign Service, irrespective of his category, in temporary charge of a consular post and pay him so much of the difference between his basic salary and that of the principal officer of the post as he deems appropriate.

Existing Legislation

CHIEFS OF MISSION

Sec. 431.

No existing legislation.

Proposed Legislation

CHIEFS AND

DEPUTY CHIEFS OF MISSION

Sec. 431. (d) Under such

regulations as the Secretary
may prescribe, a Foreign Serv-
ice officer, or Reserve officer
appointed or assigned to a
position which has been classi-
fied for salary purposes under
section 411(b) shall receive,
in addition to his salary as
an officer of the Service,
compensation equal to the dif-
ference, if any, between such
salary and the salary of the
position to which he is appointed
or assigned.

Proposed new paragraph (d) of section 431 is related to the proposed amendment to section 411 that would authorize a statutory salary for deputy chiefs of mission at class 1 missions. Under the provisions of this new authority the Secretary could in his

discretion assign any officer of the Service to such a position and provide that he be paid the differential between his basic salary and the statutory salary established for such position. There are occasions when the needs of the Service may require the assignment of officers from any category of the Foreign Service as deputy chiefs of mission at class 1 posts. This amendment will give the Secretary the flexibility he needs to make such assignment and to provide for the suitable compensation of such assigned officer.

PAGES 20 and 21

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PART E--CLASSIFICATION

CLASSIFICATION OF POSITIONS...

Existing Legislation

Sec. 441. (a)

No change necessary.

(b) Under such regulations as he may prescribe, the Secretary may, notwithstanding the provisions of the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), classify positions in or under the Department [which he designates] as Foreign Service [Officer] position to be occupied by officers and employees of the Service, and establish such positions in relation to the classes established by sections 412, 414, and 415.

Proposed Legislation

Sec. 441. (a)

(b) Under such regulations as he may prescribe, the Secretary may, notwithstanding the provisions of the civil service laws, the Classification Act of 1949, as amended (5 U.S.C. 1071 and the following), or any other law, classify positions in or under the Department as Foreign Service positions, to be occupied by officers and employees of the Service, and establish such positions in relation to the classes established by sections 412, 414, and 415.

-23-

Sec. 441.

The proposed amendment to section 441(b) will enable the Secretary to classify positions in or under the Department as Foreign Service positions, to be occupied by officers and employees of the Service. Current authority provides for the designation of positions in or under the Department as Foreign Service Officer positions to be occupied by officers and employees of the Service. This proposed change would make it possible for the Secretary, notwithstanding the provisions of the Classification Act of 1949, as amended, or of any other law, to classify such positions in the Department as he considers to be appropriate, under the provisions of the Foreign Service Act and to fill these positions through the assignment of officers and employees of the Service. It is proposed under the authority of the temporary provisions of new section 1107, that the Department of State and other Foreign Affairs agencies be staffed both at home and abroad by personnel appointed under authorities of the Foreign Service Act.

Existing Legislation

No existing legislation.

Proposed Legislation

ADMINISTRATIVE ESTABLISHMENT
OF HAZARDOUS DUTY PAY FOR
CERTAIN CATEGORIES OF OFFICERS
AND EMPLOYEES

Sec. 443. The Secretary
may, under such regulations
as he may prescribe, establish
rates of salary differential,
not exceeding fifteen per
centum of basic salary, for
officers or employees of the
Service while they are per-
forming duties abroad requiring
frequent travel under unusually
hazardous conditions.

New section 443 of the Foreign Service Act would authorize the Secretary to grant employees, while performing duties abroad requiring frequent travel under unusually hazardous conditions, a salary differential not to exceed 15 percent of the employee's basic salary. This authority is needed for couriers and other limited groups of employees not adequately covered under section 231 of the Differentials and Allowances Act.

The principle of hazardous duty pay is recognized both in military and civilian pay systems. An example of the type of employee for whom the Department is seeking hazardous duty pay is the diplomatic courier. Couriers perform not only an arduous task, but a dangerous one. Although they must travel constantly in areas where health hazards, the danger of contaminated food, and psychological stresses and strains justify hardship differentials, the majority are headquartered at nonhardship posts. Many of the Department's couriers have sustained serious injury and some have lost their lives in the line of duty during recent years. Since World War II five couriers have been killed and three seriously injured in line of duty in flight accidents and at least one was injured as a result of a revolution in one of the countries through which he was traveling. Many more narrowly escaped injury in aircraft mishaps.

This is not a new proposal. The Department has been seeking such authority since 1958 when draft legislation of this nature was introduced as a part of the proposed Foreign Service Act amendments. Since the initial introduction similar draft legislation has been proposed a number of times. Failure of passage has not been due to the disapproval of either the Bureau

-26-

Sec. 443.

of the Budget or the Senate Foreign Relations or House Foreign Affairs Committees but has been due rather to the limited time of the Committees and the consideration of what was believed to be more important legislation.

Existing Legislation

[LISTS OF] FOREIGN SERVICE
OFFICERS QUALIFIED TO BE
CAREER MINISTERS OR CHIEFS
OF MISSION [TO BE FURNISHED
TO THE PRESIDENT]

Sec. 502. (a) The
Secretary shall 1, on the
basis of recommendations
made by the Board of the
Foreign Service, 7 from time
to time furnish the President
with the names of Foreign
Service officers qualified
for appointment to the class
of career ambassador and class
of career minister together
with pertinent information
about such officers, but no
person shall be appointed into
the class of career minister
who has not been appointed to
serve as chief of mission or

Proposed Legislation

FOREIGN SERVICE
OFFICERS QUALIFIED TO BE
CAREER MINISTERS, CAREER
AMBASSADORS OR CHIEFS OF
MISSION

Sec. 502. (a) The
Secretary shall from time
to time furnish the President
with the names of Foreign
Service officers qualified
for appointment to the class
of career ambassador and the
class of career minister to-
gether with pertinent infor-
mation about such officers.

No person shall be appointed
into the class of career minister
who has not been appointed to
serve as chief of mission or
appointed or assigned to serve
in a position which, in the

Existing Legislation

appointed or assigned to serve in a position which, in the opinion of the Secretary, is of comparable importance. [A list of such positions shall from time to time be published by the Secretary.] No person shall be appointed into the class of career ambassador who has not (1) served for at least fifteen years in a position of responsibility in a Government agency, or agencies, including at least three years as a career minister; (2) rendered exceptionally distinguished service to the Government; and (3) met such other requirements as the Secretary shall prescribe.

Proposed Legislation

opinion of the Secretary, is of comparable importance. No person shall be appointed into the class of career ambassador who has not (1) served for at least fifteen years in a position of responsibility in a Government agency, or agencies, including at least three years as career minister; (2) rendered exceptionally distinguished service to the Government; and (3) met such other requirements as the Secretary shall prescribe.

-29-

Sec. 502.

Existing Legislation

(b) The Secretary shall also on the basis of recommendations made by the Board of the Foreign Service, from time to time furnish the President with the names of Foreign Service officers qualified for appointment or assignment as chief of mission, together with pertinent information about such officers, in order to assist the President in selecting qualified candidates for appointment or assignment in such capacity.

Proposed Legislation

(b) The Secretary shall also from time to time furnish the President with the names of Foreign Service officers qualified for appointment or assignment as chief of mission, together with pertinent information about such officers, in order to assist the President in selecting qualified candidates for appointment or assignment in such capacity.

Section 502 was amended by P.L. 86-723 to include provisions relating to the appointment of career ambassadors. In error the phrase "CAREER AMBASSADORS" was omitted from the title of this section and the word "the" preceding the phrase "class of career

minister" was omitted from the first sentence of section 502(a).

Deletion of the phrase ", on the basis of recommendations made by the Board of the Foreign Service," in paragraphs (a) and (b) is consistent with the proposed amendment to section 211 which emphasizes the policy making role of the Board of the Foreign Service.

Further, the requirement to publish from time to time a list of positions comparable in importance to that of chief of mission would be deleted from section 502(a). The promotion of a Foreign Service officer to the class of career minister is now dependent upon his having served as chief of mission or in a position determined by the Secretary to be of "comparable importance." It is not proposed to change this requirement; rather, the requirement that a list of such positions be established and kept current is being eliminated. The Secretary should have the flexibility, at the time an officer is being considered for promotion to the class of career minister, to make a determination whether his experience qualifies him for such promotion. This would be more consistent with the procedure now applicable to other Foreign Service officer promotions.

Existing Legislation

ADMISSION TO CLASS 7 OR 8

Sec. 516. (b) The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8, whom he recommends for appointment directly to class 7 when in his opinion, their age, experience, or other qualifications make such an appointment appropriate.

Proposed LegislationADMISSION TO CLASS 6, 7 OR 8

Sec. 516. (b) The Secretary may furnish the President with the names of those persons who have passed such examinations and are eligible for appointment as Foreign Service officers of class 8, whom he recommends for appointment directly to class 7 or 6 when in his opinion, their age, experience, or other qualifications make such an appointment appropriate.

The proposed amendment to section 516 (b) will authorize the Secretary to recommend to the President Foreign Service officer candidates who have passed all class 8 examinations and whom the Secretary considers eligible for appointment to

class 6 on the basis of their age, experience or other qualifications. Such authority will enable the Department to attract more mature persons with advanced education and relevant experience to the Foreign Service officer category through the examination process. Under existing authority the only means of appointing such candidates who do not have prior Government experience is by offering them an appointment as a Foreign Service Reserve officer with the ultimate prospect of a lateral appointment as a Foreign Service officer under the provisions of section 517. This has the disadvantage of offering uncertain tenure and lateral entry which, of necessity, cannot be guaranteed. Persons making a basic career decision are likely to be deterred by such uncertainties. The Department, moreover, is not in the strongest competitive position in the recruitment of unusually well-qualified Foreign Service officer candidates who may now be appointed to Civil Service positions at salaries above those prescribed for class 7. For example, candidates with PhD degrees may now be appointed at the GS-11 and GS-12 level. The same holds true of competition with private employers. The Department's ability to hold out the possibility of an FSO-6 appointment in its recruitment program

may attract to the FSO examinations mature and able candidates who now do not apply.

This authority will be used only in the case of unusually well-qualified, mature candidates, especially in staffing for those functions for which there is a shortage of qualified officers. The bulk of appointments will continue to be made at classes 7 and 8, and the experience of the Department has been that more appointments are made at class 8 than at class 7. The career principle will continue to be safeguarded by the requirement of competitive examinations administered by the Board of Examiners for the Foreign Service.

REAPPOINTMENT, RECALL OR REEMPLOYMENT OF
FOREIGN SERVICE OFFICERSExisting Legislation

Sec. 520. (a) The President may, by and with the advice and consent of the Senate, reappoint to the Service, a former Foreign Service officer who has been separated from the Service. The Secretary shall, taking into consideration the qualifications and experience of each candidate for reappointment and the rank of his contemporaries in the Service, recommend the class to which he shall be reappointed in accordance with the provisions of this section.

Proposed Legislation

Sec. 520. (a) The President may, by and with the advice and consent of the Senate, reappoint to the Service, a former Foreign Service officer who has been separated from the Service. The Secretary shall, taking into consideration the qualifications and experience of each candidate for reappointment and the rank of his contemporaries in the Service, recommend the class to which he shall be reappointed in accordance with the provisions of this section.

Existing Legislation

Proposed Legislation

(b) The Secretary shall, upon application of the officer concerned, reemploy in the Service any Foreign Service officer who has separated from the Service by reason of transfer to an international organization pursuant to section 4 of the Federal Employees International Organization Service Act, 72 Stat. 959, and who has served continuously in this status up to the time of his application for reemployment.

(c) The Secretary may, in accordance with such regulations as he may prescribe, consider for promotion any Foreign Service officer who

-36-

Sec. 520.

Existing Legislation

Proposed Legislation

has been separated from the
Service by reason of transfer
to an international organiza-
tion pursuant to section 4 of
the Federal Employees Interna-
tional Organization Service
Act, while such officer is
serving with the international
organization. Such promotion
shall be recommended by
the Secretary after the offi-
cer has been reemployed
pursuant to paragraph (b) of
this section.

(d) Any Foreign Service
officer who serves with an
international organization by
reason of transfer pursuant
to section 4 of the Federal

-37-

Sec. 520.

Existing Legislation

[(b)] The Secretary may recall any retired Foreign Service officer temporarily to duty in the Service whenever he shall determine such recall is in the public interest.

[(c)] Notwithstanding the provisions of [title 5, United States Code, section 62, and] title 5, United States Code, section 715a, a Foreign Service officer heretofore or

Proposed Legislation

Employees International Organization Service Act
shall continue to be subject to the obligations and limitations imposed by this Act and regulations issued pursuant thereto.

(e) The Secretary may recall any retired Foreign Service officer temporarily to duty in the Service whenever he shall determine such recall is in the public interest.
(f) Notwithstanding the provisions of title 5, United States Code, section 715a, or of any other law, a Foreign Service officer heretofore or

Existing Legislation

hereafter retired under the provisions of section 631 or 632 or a Foreign Service staff officer or employee hereafter retired under the provisions of section 803 shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

Proposed Legislation

hereafter retired under the provisions of section 631 or 632 or a Foreign Service staff officer or employee hereafter retired under the provisions of section 803 shall not, by reason of his retired status, be barred from employment in Federal Government service in any appointive position for which he is qualified. An annuitant so reemployed shall serve at the will of the appointing officer.

The proposed amendment to section 520 will remove a serious obstacle to making Foreign Service officers available to international organizations on the basis of "separation by transfer" under the provisions of the Federal Employees International Organization Service Act, P.L. 85-795.

P.L. 85-795 provides a satisfactory means of assigning United States Government personnel, other than Foreign Service officers, to international organizations. Such personnel can be either assigned or detailed on a reimbursable or non-reimbursable basis or they can be "separated by transfer" and placed on the payroll of the international organization with full reemployment rights and with retention of retirement and insurance benefits as well as leave balances.

Foreign Service officers can be assigned or detailed on a reimbursable or nonreimbursable basis under the provisions of section 571 of the Foreign Service Act of 1946, as amended. This authority is adequate to the extent that an international organization is willing to accept an officer who remains an employee of the United States Government. In many instances, however, international organizations are unwilling to accept this kind of arrangement. An organization's relationship with other governments and with its employees who are nationals of other countries frequently demands separation of its employees from national government ties and attendant obligations. This poses a special problem in the case of Foreign Service officers since, under present law, such officers who are "separated

by transfer" are not automatically guaranteed reemployment as Foreign Service officers, because such officers are appointed by the President with Senate confirmation.

The Department of State is making a determined effort to place a larger number of highly qualified Americans in positions with public international organizations. A very important pool of talent upon which it can draw is the Foreign Service officer category. Career Foreign Service officers frequently possess the language and other skills, understanding of international affairs, and administrative ability required to qualify for such positions. It is therefore especially important to the Department that it be able to assure a Foreign Service officer that following his service with an international organization he will resume his Foreign Service officer status without loss of benefits, including the crediting of salary increases within class for which he would otherwise have been eligible.

Proposed new section 520(b) provides that upon the application of an officer who has been separated from the Service by reason of transfer to an international organization pursuant to the provisions of the Federal Employees International Organization Service Act, the Secretary shall reemploy him as a Foreign Service

officer of the same class in which he was serving at the time of separation by transfer without the need for a new Presidential appointment and Senate confirmation. A Foreign Service officer "separated by transfer" under section 520(b) will retain his Presidential commission during the period of such separation.

Proposed new section 520(c) provides that such officers may be considered for promotion while they are serving with an international organization. Should an officer while so serving be reached for promotion through the normal selection board process, the Secretary could recommend the officer's promotion following his return to the Service.

Proposed new section 520(d) provides that an officer transferred to an international organization shall continue to be subject to all obligations and limitations imposed by the Foreign Service Act, such as prohibitions against accepting presents and gifts, engaging in business abroad and accepting employment with foreign governments.

TITLE V--APPOINTMENTS AND ASSIGNMENTS

PART C--FOREIGN SERVICE RESERVE OFFICERS

ESTABLISHMENT OF RESERVE

Existing Legislation

Sec. 521. In accordance with the terms of this Act and under such regulations as the Secretary shall prescribe, there shall be [organized and maintained] a Foreign Service Reserve, referred to hereafter as the Reserve [.]

Proposed Legislation

Sec. 521. In accordance with the terms of this Act and under such regulations as the Secretary may prescribe, there shall be established a Foreign Service Reserve, referred to hereafter as the Reserve, comprised of the following:

(1) a group of career officers whose appointments are without time limitation;

(2) a group of officers whose appointments are limited or temporary; and

Sec. 521.

Existing Legislation

Proposed Legislation

(3) a group of
officers whose appoint-
ments are limited and who
serve in active duty during
such periods of time as may
be necessary but who at other
times are in the inactive
Reserve.

(See explanatory text after section 522.)

-44-

APPOINTMENTS AND ASSIGNMENTS TO THE RESERVE

Existing Legislation

Sec. 522.

Proposed Legislation

Sec. 522. (a) The Secretary may, under such regulations as he may prescribe, appoint persons who are citizens of the United States as Reserve officers without time limitation. He is authorized to establish appropriate probationary periods during which such newly appointed Reserve officers shall be required to serve, except that any such officer who is appointed from a position in the Government in which he has obtained career status shall not be required to serve a probationary period.

Whenever the services of a person who is a citizen of the United States [and who has been such for at least five

(b) Whenever the services of a person who is a citizen of the United States are required by the Service, the Secretary

-45-

Sec. 522.

Existing Legislation

years] are required by the
Service, the Secretary may--

(1) appoint as a
Reserve officer for [non-
consecutive] periods of
not more than five years
each, a person not in the
employ of the Government
whom [the Board of the For-
eign Service] shall deem to
have outstanding qualifica-
tions;

(2) assign as a
Reserve officer for
[nonconsecutive] periods
of not more than five
years each a person
regularly employed in
any Government agency,
subject, in the case of
an employee of a Govern-
ment agency other than

Proposed Legislation

may--

(1) appoint as a
Reserve officer for
periods of not more than
five years each, a person
not in the employ of the
Government whom he shall
deem to have outstanding
qualifications;

(2) assign as a
Reserve officer for
periods of not more than
five years each, a
person regularly employed
in any Government agency,
subject, in the case of
an employee of a Govern-
ment agency other than
the Department of State,

Sec. 522.

Existing Legislation

the Department of State,
to the consent of the
head of the agency con-
cerned [; and

(3) extend the
appointment or assignment
of any Reserve officer,
or continue the services
of any such Reserve offi-
cer by reappointment
without regard to the
provisions of section 527
of this Act, for not more
than five additional years
if the Secretary deems it
to be in the public interest
to continue such officer in
the Service, except that the
assignment of any Reserve
officer under paragraph (2)
above may not be extended

Proposed Legislation

to the consent of the
head of the agency
concerned.

(c) The Secretary may,
under such regulations as he
may prescribe, appoint as
Reserve officers with limited
appointment United States
citizen personnel whose serv-
ices are required from time to
time. Such persons shall be
called to duty when the need
for their services arises but
shall at other times be car-
ried on the rolls as members
of the inactive Reserve during
which time they shall not be con-
sidered employees of the
Government.

(d) No person shall be
eligible for appointment as a

Sec. 522.

Existing Legislation

under the provisions of
this paragraph without
the consent of the head
of the agency concerned.]

Proposed Legislation

Reserve officer unless he is
a citizen of the United
States at the time of his
appointment, and no Reserve
officer shall be assigned
to a post abroad who has
not been a citizen of the
United States for at least
five years.

The proposed amendments to section 521 "Establishment of Reserve" and to section 522 "Appointments and Assignments to the Reserve" are designed to provide the Secretary with much broader authority than he now has with respect to the category of Foreign Service Reserve officers.

The Department has long recognized the need to work toward the establishment of a unified personnel system broad enough to accommodate all categories of its employees, both domestic and foreign, as well as those of the other foreign affairs agencies.

With a view to the accomplishment of these objectives the proposed amendments to sections 521 and 522 will authorize the establishment and utilization of three groups of Reserve officers.

The first of these would include officers appointed without time limitation, whose service would be principally domestic but who could serve occasional tours of duty abroad. In addition, this group could include officers employed for service on a world-wide basis. All Departmental officers recruited in the future would be appointed under this authority, and Civil Service officers now in the Departmental service would be encouraged to enter this new Foreign Service category through transfer. Such officers would have status and privileges comparable to those of career Civil Service officers. However, they would be promoted on the basis of merit in competition with other officers of their

Sec. 521 and 522

class and status, and those who did not meet prescribed standards of performance would be subject to selection-out.

The second group of officers under Reserve authority would be similar to that now authorized by existing legislation who are appointed to the Reserve from other Government positions or from outside the Government for limited periods of service in order to make available to the Foreign Service their specialized skills and abilities. Although this group of officers would continue to have limited tenure, existing limitations on reappointments would be removed.

A third group of Reserve officers would also be limited in tenure in that they would be employed for limited service and while retaining their status as Reserve officers would alternately be placed in active or inactive status according to the need for their service and their current availability. Those placed in inactive status would be subject to recall on a negotiated basis for continued periods of temporary service.

-50-

APPOINTMENT OR ASSIGNMENT TO A CLASS

Existing Legislation

Sec. 523.

Proposed Legislation

Sec. 523. (a) A

Reserve officer, appointed
or assigned under the pro-
visions of sections 522
shall be appointed or
assigned to a class and
not to a particular post.

A Reserve officer,
appointed or assigned [to
active duty, shall be
appointed or assigned to
a class and not to a par-
ticular post, and such an
officer] may be assigned
to posts and may be trans-
ferred from one post to
another by order of the
Secretary as the interests
of the Service may require.

(b) A Reserve officer,
appointed or assigned for
world-wide service, may be
assigned to posts and may
be transferred from one post
to another by order of the
Secretary as the interests
of the Service may require.

Existing Legislation

[The class to which he shall be appointed or assigned shall depend on his age, qualifications, and experience.]

Proposed Legislation

(c) The class to which a Reserve officer shall be appointed or assigned shall depend on his age, qualifications, and experience.

The proposed amendment to section 523 adding a new subparagraph (a) would provide that a Reserve officer appointed or assigned to duty under the provisions of section 522 would be appointed or assigned to a class and not to a particular post. Subparagraph (b) would make Reserve officers appointed or assigned for world-wide service subject to transfer from post to post as the interests of the Service require. Such a condition would not apply to officers appointed for domestic service, although the latter group could agree to serve occasional tours of duty abroad without the need for reappointment. Subparagraph (c) is a restatement of an existing provision of section 523, applicable to all Reserve officers.

<u>Existing Legislation</u>	<u>Proposed Legislation</u>
[REAPPOINTMENT OR REASSIGNMENT OF RESERVE OFFICERS	Repeal.

Sec. 527. A person who has served as a Reserve officer may not be reappointed or reassigned to active duty until the expiration of a period of time equal to his preceding tour of duty or until the expiration of a year, whichever is the shorter.]

In connection with the proposed amendments to section 522, regarding appointment and assignment to the Reserve, section 527 should be repealed. The Secretary needs broader authority to utilize specialists who are available either for a single appointment or for a series of successive appointments. Moreover, the fact that a Reserve officer's appointment has been terminated upon completion of an assignment should not prevent a subsequent appointment at any time his services are needed.

-53-

REINSTATEMENT OF RESERVE OFFICERS

Existing Legislation

Sec. 528. Upon the

termination of the assignment
of a Reserve officer assigned
from any Government agency,

(no other changes in
existing legislation)

Proposed Legislation

Sec. 528. Upon the

termination of the assignment
of a Reserve officer assigned
from any Government agency,

under the provisions of section

522(b)(2), such person shall be
entitled to reinstatement in
the Government agency by which
he is regularly employed in the
same position he occupied at the
time of assignment, or in a cor-
responding or higher position.

Upon reinstatement he shall
receive the within-grade salary
advancements he would have been
entitled to receive had he remained
in the position in which he is
regularly employed under the
Classification Act of 1949, as
amended, or any corresponding
provision of law applicable to
the position in which he is

-54-

Sec. 528.

Existing Legislation

Proposed Legislation

serving. A certificate of the Secretary that such person has met the standards required for the efficient conduct of the work of the Foreign Service shall satisfy any requirements as to the holding of minimum ratings as a prerequisite to the receipt of such salary advancements.

The proposed amendment to section 528 is a technical one making this section conform with amended section 522, as it relates to the reinstatement of Reserve officers in Government agencies by which they are regularly employed.

FOREIGN SERVICE STAFF OFFICERS AND EMPLOYEES
APPOINTMENTS

Existing Legislation

Sec. 531. The Secretary may, under such regulations as he may prescribe, appoint staff officers and employees on the basis of qualifications and experience. The Secretary may make provisions for temporary, limited, and such other types of appointment as he may deem necessary. He is authorized to establish appropriate probationary periods during which newly appointed staff officers or employees, other than those appointed for temporary or limited service[s] shall be

Proposed Legislation

Sec. 531. The Secretary may, under such regulations as he may prescribe, appoint staff officers and employees on the basis of qualifications and experience. The Secretary may make provisions for temporary, limited, and such other types of appointment as he may deem necessary. He is authorized to establish appropriate probationary periods during which newly appointed staff officers or employees, other than those appointed for temporary or limited service, shall be

Existing Legislation

required to serve. [The Secretary may terminate at any time, without regard to the provisions of section 637, or the provisions of any other law, the services of staff officers or employees appointed for temporary or limited service and staff officers or employees who have not completed probationary periods, except that if such separation is by reason of misconduct the provisions of section 637 shall be applicable.]

Proposed Legislation

required to serve.

Section 531 is amended to delete the final sentence regarding termination without a hearing of Foreign Service

staff officers and employees who are appointed for temporary or limited service or who occupy probationary status. This provision is more appropriate to Title VI, and section 638 is accordingly amended to cover such authority to terminate.

Existing Legislation

COMMISSION /AS CONSUL OR
VICE CONSUL

Sec. 533. /On the recommendation of the Secretary, the President may, by and with the advice and consent of the Senate, commission a staff officer or employee as consul. The Secretary may commission a staff officer or employee as vice consul. Official acts of staff officers or employees while serving under consular commissions in the Service shall be performed under their respective commission as consular officers.7

Proposed LegislationCOMMISSIONS

Sec. 533. Whenever the Secretary shall deem it in the interests of the Service that a staff officer shall serve in a diplomatic or consular capacity, he may recommend to the President that such officer be commissioned as a diplomatic or consular officer or both. The President may, by and with the advice and consent of the Senate, commission such officer as a diplomatic or consular officer or both, and all official acts of such an officer while serving under a diplomatic or consular commission

Existing Legislation

Proposed Legislation

shall be performed under his
commission as a diplomatic or
consular officer. In all other
cases, appropriate rank and
status analogous to that of
Foreign Service officers en-
gaged in work of comparable
importance shall be provided to
permit staff officers to carry
out their duties effectively.

Revised section 533 will permit the Secretary to recommend to the President that staff officers be commissioned as diplomatic or consular officers or both. The language of this new section parallels that of existing section 524 which governs the commissioning of Foreign Service Reserve officers. Under existing legislation the Secretary may commission a staff officer as a vice consul and he may recommend that the President, by and with the advice and consent of the Senate, commission such officer as a consul.

The Department has long recognized the need for a corps of staff officers, complementary to Foreign Service officers and Reserve officers, to give depth, stability and continuity to the

Foreign Service as a whole and to provide technical skills and experience not usually found in officers who are available to the Service for general foreign affairs work.

The Department has therefore put into effect a career management program for Foreign Service staff officers similar to that for Foreign Service officers. Such program includes planned recruitment, assignment, training and promotion opportunities intended to attract, retain and develop well-qualified staff officers. As a vital element of such a program, the Department is seeking selection-out authority for the Staff Corps to ensure that only those officers who maintain prescribed standards of performance are retained.

In the main, the Department plans to fill its consular and administrative positions largely with staff personnel. It is particularly in these areas that the Department needs a body of skilled and knowledgeable personnel who have had many years of experience in these functions. It is not so important that these officers have the potential for assignments in other functions, since the principal requirement of these positions is knowledge in depth in their area of specialization. Staff officers who perform satisfactorily in these positions should not be penalized for their inability to compete for promotion with general officers. Rather, they should have their own promotion system, and should

enjoy certain benefits now reserved to Foreign Service officers.

The desire of the Department to appoint staff officers to certain key field positions is presently inhibited by the lack of authority to grant the full range of diplomatic and consular titles. This amendment will permit the Department to develop an attractive and meaningful career program for Foreign Service staff officers.

-62-

PART H--ASSIGNMENT OF FOREIGN SERVICE PERSONNEL
Assignments to Any Government Agency or International
Organization

Existing Legislation

Sec. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body [, such an assignment or combination of assignments to be for a period of not more than four years, except that under special circumstances the Secretary may extend this four-year period for not more than four additional years:
Provided, that in individual cases when personally approved by the Secretary further extension may be made.]

Proposed Legislation

Sec. 571. (a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed for duty in any Government agency, or in any international organization, international commission, or international body.

Existing Legislation

(b) If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of paragraph (a) of this section and such period shall not, by virtue of the acceptance of such an assignment, lose his status as a Foreign Service officer. [Service in such a position shall not, however, be subject

Proposed Legislation

(b) If a Foreign Service officer shall be appointed by the President, by and with the advice and consent of the Senate, or by the President alone, to a position in any Government agency, any United States delegation or mission to any international organization, in any international commission, or in any international body, or shall be appointed by the Secretary to a position the salary of which is established in accordance with the Federal Executive Salary Schedule, the period of his service in such capacity shall be construed as constituting an assignment within the meaning of paragraph (a) of this section and such period shall not, by virtue of the acceptance of such an assignment,

Existing Legislation

to the limitations concerning the duration of an assignment contained in that paragraph.]

(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the

Proposed Legislation

lose his status as a Foreign Service officer.

(c) If the basic minimum salary of the position to which an officer or employee of the Service is assigned pursuant to the terms of paragraph (b) of this section is higher than the salary such officer or employee is entitled to receive as an officer or employee of the Service, such officer or employee shall, during the period such difference in salary exists, receive the salary and allowances of the position in which he is serving in lieu of his salary and allowances as an officer or employee of the Service. Any salary paid under the provisions of this section shall be the salary on the

Existing Legislation

basis of which computations and payments shall be made in accordance with the provisions of title VIII. [No officer or employee of the Service who, subsequent to the date of enactment of the Foreign Service Act Amendments of 1960, is assigned to, or who, after June 30, 1961, occupies a position in the Department that is designated as a Foreign Service officer position, shall be entitled to receive a salary differential under the provisions of this paragraph.]

Proposed Legislation

basis of which computations and payments shall be made in accordance with the provisions of title VIII. Any officer or employee of the Service who, on the date of enactment of the Foreign Service Act Amendments of 1965, occupies a position on the basis of which he is receiving a differential under the provisions of this paragraph may continue to receive such differential for the duration of his assignment to that position, but in no event for a period of more than two years from such date of enactment.

Existing Legislation

(d) The salary of an officer or employee assigned pursuant to the terms of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service. Such appropriations may be reimbursed, however, when the Secretary enters into reimbursement agreements for all or any part of the salaries of officers or employees assigned to such agencies and payment is received pursuant thereto, or when an officer or employee of the Service is assigned to a position the salary of which is payable from other funds available to the Department.

Proposed Legislation

(d) The salary of an officer or employee assigned pursuant to the terms of this section shall be paid from appropriations made available for the payment of salaries of officers and employees of the Service. Such appropriations may be reimbursed, however, when the Secretary enters into reimbursement agreements for all or any part of the salaries of officers or employees assigned to such agencies and payment is received pursuant thereto, or when an officer or employee of the Service is assigned to a position the salary of which is payable from other funds available to the Department.

-67-

Sec. 571.

Existing Legislation

Proposed Legislation

(e) Any officer or
employee of the Service assigned
to duty in the continental
United States between assign-
ments abroad, or during a
period of training or instruc-
tion following initial
appointment, may receive
during such period of assign-
ment a salary differential
of not to exceed ten per
centum of his basic salary
to assist in defraying the
cost of quarters, except that
such officer or employee
assigned outside the metro-
politan area of Washington,
D. C., may receive reimburse-
ment for cost of quarters
not to exceed such
limitations as are established
by the Secretary.

-68-

Sec. 571.

It is proposed to repeal the provisions of section 571(a) which limit the period that the Secretary may assign or detail an officer or employee of the Service for duty in any Government agency or in any international organization, international commission or international body. Under existing provisions of this section, the Secretary is limited to a period of not more than four years during which an officer may be given such an assignment or combination of assignments except that under special circumstances the Secretary may extend this four-year period for not more than four additional years and in individual cases when personally approved by the Secretary further extension may be made. While it will continue to be the policy of the Department to assign most Foreign Service officers overseas for larger aggregate total periods of time during their careers than they will be assigned to the United States, such limiting authority now contained in this paragraph is undesirable in view of changed world-wide conditions and the new concept of the role of Foreign Service personnel in the conduct of the work of the Department of State, other Government agencies, and international organizations, international commissions and international bodies. Foreign Service officers may, for example, be assigned to work with the

Sec. 571.

United Nations program for a substantial part of their careers, dividing their time between the New York UN offices, the Department and brief trips abroad in connection with UN activities. Experienced Foreign Service officers with a number of years of overseas and Departmental experience may at mid-career level be assigned to Inspection Corps activities and spend a number of years serving alternately in the Department and overseas in inspection activities. Others may be needed to participate in the Foreign Service Institute program or in substantive programs within the Department for extended periods. Further amendments elsewhere in the Act will authorize the establishment of a career corps of domestic employees appointed as Reserve officers. While some of these officers may serve limited tours of duty overseas on a negotiated basis the majority of their service will be in the United States. It is also contemplated that clerical personnel now in the Department in GS positions will be assigned to the Foreign Service staff. These employees also will usually serve out their careers in the United States. The Secretary needs broad discretionary authority with respect to the utilization of Foreign Service personnel and should not be limited to any specified period of assignment for such personnel.

Sec. 571.

The last sentence of section 571(b) is being deleted since the removal of limitations concerning the duration of assignment from section 571(a) eliminates the need for this provision.

It is proposed to repeal as no longer needed the provisions of section 571(c) with respect to the payment of salary differentials, except in cases covered by section 571(b) regarding Presidential appointment. However, the legislation will provide a phase-out period for those now receiving differential who may continue to receive such differential for the duration of their assignments or for a period of two years, whichever is the lesser.

The proposed new section 571(e) will provide modest quarters differential for Foreign Service personnel while assigned to Washington and, within prescribed limits, an allowance based on

actual quarters expenses while they are assigned elsewhere in the United States. This authority is needed to help defray the higher costs of housing resulting from rotational assignments of Foreign Service personnel. It will be limited, therefore, to officers and employees assigned to the United States between foreign assignments or assigned for periods of training or instruction following initial appointment. It is intended to limit by regulation the payment of such differential to tours of duty not to exceed four years.

Numerous elements enter into the higher housing costs for personnel who are frequently on the move. Some of these are obvious--such as their inability to buy a home over a long period of time. If they purchase a home they acquire as "transient buyers" little or no equity and may be forced either to sell at unreasonably low prices before departing for another post or to become "absentee landlords". Other high cost elements are, while not quite so obvious, nevertheless real. For example, many Foreign Service officers and employees live abroad in furnished or partly furnished quarters and are therefore compelled either to buy household effects while on assignment to the United States or to rent furnished quarters. For those officers who receive training assignments for one academic year (nine months) away from Washington the problem of short-term rentals is especially severe. Personnel who are forced to maintain quarters in the vicinity of UN Headquarters also require special consideration.

In the case of the average employee assigned to the Department, the proposed ten percent differential would defray approximately one-half the cost of establishing and maintaining a residence in the Washington area. Since costs of quarters vary so greatly in the United States (e.g., New York City as contrasted to a small university town), no percentage differential is proposed in the case of domestic assignments outside the metropolitan area of Washington, D. C. In these cases, payments to help defray the cost of quarters would be based on expenses actually incurred, within reasonable limits established for each locality by the Secretary.

This proposal is not in any way considered an extension of the overseas quarters allowance system. It is intended merely to reduce the extraordinary burden of quarters expenses resulting from the rotational nature of domestic assignments of officers and employees of the Service.

ASSIGNMENT FOR CONSULTATION OR INSTRUCTION

Existing Legislation

Sec. 573. [(a) Any officer or employee of the Service may, in the discretion of the Secretary, be assigned or detailed to any Government agency for consultation or specific instruction either at the commencement, during the course of, or at the close of the period of his official service; and any such detail or assignment, if not more than four months in duration, shall not be considered as an assignment within the meaning of section 571.

(b) Any officer or employee of the Service may be assigned or detailed for

Proposed Legislation

Sec. 573. The Secretary may assign or detail any officer or employee of the Service for special instruction, training, consultation or service at, with or to public or private nonprofit institutions; educational institutions; trade, labor, agriculture, scientific, commercial or other organizations. Any such assignment or detail shall be in accordance with the provisions of section 571, and appropriations utilized for the payment of salaries and expenses of officers and employees of the Service, and their dependents, are authorized

-74-

Sec. 573.

Existing Legislation

special instruction or training at or with public or private nonprofit institutions; trade, labor, agricultural, or scientific associations; or commercial firms.]

Proposed Legislation

to be reimbursed when reimbursement is received from any such institution or organization for all or any part of the salary and expenses of an officer or employee of the Service and his dependents during an assignment or detail under this section. When and as authorized by the Secretary, any officer or employee of the Service may accept quarters, travel expenses, and similar perquisites from the institution or organization to which he is assigned or detailed under this section.

Section 573(a) is being deleted since the removal of limitations concerning the duration of assignment from section 571(a) eliminates the need for this provision. The provisions of section 573(b) therefore appear in amended form as section 573.

The proposed new language of section 573 will broaden the Secretary's authority under the Act for interchange of personnel with public and private nonprofit institutions; educational institutions; trade, labor, agriculture, scientific and similar organizations; and commercial firms. Such interchange could take the form either of "sabbatical leave" assignments or merely of temporary details for the purpose of lectures, seminars, conferences and other forms of direct contact. In either type of case, reimbursements could be accepted from the institution, organization or firm for all or any part of the expenses of such assignment or detail.

There is a need for closer contact between the Government and the American people concerning the objectives of the United States in the field of foreign affairs. Not only would it be beneficial for the general public, through more frequent contact with personnel of the Department of State, Agency for International Development or the United States Information Agency, to gain greater understanding and appreciation of the difficulties of formulating and administering U.S. foreign policy, but personnel participating in a program of this nature would resume their careers in the Foreign Service greatly enriched as a result of such first-hand contact with the American people.

FOREIGN LANGUAGE KNOWLEDGE PREREQUISITE TO ASSIGNMENT

Existing Legislation

Sec. 578. The Secretary shall designate every Foreign Service Officer position in a foreign country whose incumbent should have a useful knowledge of a language or dialect common to such country. After December 31, 1963, each position so designated shall be filled only by an incumbent having such knowledge: Provided, That the Secretary[or Deputy Under Secretary for Administration]may make exceptions to this requirement for individuals or when special or emergency conditions exist. The Secretary shall establish foreign language standards for assignment abroad of officers and employees of the Service,

Proposed Legislation

Sec. 578. The Secretary shall designate every Foreign Service Officer position in a foreign country whose incumbent should have a useful knowledge of a language or dialect common to such country. After December 31, 1963, each position so designated shall be filled only by an incumbent having such knowledge: Provided, That the Secretary may make exceptions to this requirement for individuals or when special or emergency conditions exist. The Secretary shall establish foreign language standards for assignment abroad of officers and employees of the Service,

-77-

Sec. 578.

Existing Legislation

and shall arrange for appropriate language training of such officers and employees at the [Foreign Service] Institute or elsewhere.

Proposed Legislation

and shall arrange for appropriate language training of such officers and employees at the National Institute of Foreign Affairs or elsewhere.

The proposed amendment of section 578 conforms with the proposed amendment of section 701, relating to a change in the name of the Foreign Service Institute.

ELIGIBILITY

Existing Legislation

Sec. 622. The Secretary shall, by regulation, determine the minimum period Foreign Service officers must serve in each class and a standard for performance for each class which they must meet in order to become eligible for promotion to a higher class.

In the event the Director General shall certify to the Board of the Foreign Service that a Foreign Service officer has rendered extraordinarily meritorious service, the Board of the Foreign Service may recommend to the Secretary that such officer shall not be required to serve such minimum period in class as a prerequisite to promotion, and the Secretary may exempt such officer from such requirement.

Proposed Legislation

Sec. 622. The Secretary shall, by regulation, determine the standard for performance for each class which Foreign Service officers must meet in order to become eligible for promotion to a higher class.

-79-

Sec. 622.

Section 622 is being amended to conform to amended section 211 which emphasizes the role of the Board of the Foreign Service as an advisory group on matters of broad administrative policy. Further, this section is being amended to conform with the proposed amendment to section 633 which makes the establishment of time-in-class standards discretionary.

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE
OFFICERS AND RESERVE OFFICERS

Existing Legislation

Sec. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in [a given] class for a continuous period of [nine] months or more, shall, on the first day of each fiscal year, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to [any such] officer additional increases in salary, within the salary

Proposed Legislation

Sec. 625. Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in the same numerical class for a continuous period of fifty-two calendar weeks or more, shall, at the beginning of the next pay period, receive an increase in salary to the next higher rate for the class in which he is serving. Without regard to any other law, the Secretary is authorized to grant to a Foreign Service officer or a Reserve officer additional

-81-

Sec. 625.

Existing Legislation

range established for the class in which he is serving, based upon especially meritorious service.

Proposed Legislation

increases in salary, within the salary range established for the class in which he is serving, based upon especially meritorious service.

The purposes of the proposed amendments to section 625 are: (1) to simplify payroll procedures for processing within-class increases for Foreign Service officers and Foreign Service Reserve officers by making such increases effective on the anniversary of time in class and rate, thus spreading the work load throughout the year; (2) to equalize the application of such increases by making them effective immediately following the expiration of a specified period in class rather than on July 1 of each year; (3) to clarify the crediting of service in the same numerical class either as an FSR or an FSO toward an increase in the class in which the officer is serving at the time the increase would be due; and (4) to clarify the language relating to increases for meritorious service.

When within-class increases are made effective on July 1 of each year, a pay period is nearly always split, unnecessarily complicating the payroll operation. Under the present law,

moreover, were an officer appointed to a given class on October 15, he would not have nine months in class by the following July 1 and would therefore not be eligible until July 1 of the second year following his appointment. Were the same officer appointed on September 15, however, he would be eligible for an in-class increase on the following July 1. By providing that such increases be granted after a specified period in class each officer will serve the same length of time in class before receiving a within-class increase. This provision, moreover, would permit the Department to grant in-class increases to all categories of American Foreign Service personnel on an "anniversary date" basis, as is now the case for staff personnel.

Under present interpretation, service as an FSR is credited toward a within-class increase in the same numerical FSO class.

Substitution of the phrase "a Foreign Service officer or a Reserve" for the word "such" in existing language is purely a clarifying amendment. Under the present language it is not clear whether meritorious service increases are limited to those officers who have been in class for a specified period of time or whether "such" officers means Foreign Service officers and Foreign Service Reserve officers regardless of their period of service in class. The latter interpretation is intended.

FOREIGN SERVICE OFFICERS WHO ARE CAREER
AMBASSADORS OR CAREER MINISTERS

Existing Legislation

Sec. 631. Any Foreign Service officer who is a career ambassador or a career minister, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall upon reaching the age of sixty-five, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may extend

Proposed Legislation

Sec. 631. Any Foreign Service officer who is a career ambassador or a career minister, other than one occupying a position as chief of mission or any other position to which he has been appointed by the President, by and with the advice and consent of the Senate, shall upon reaching the age of sixty-five, be retired from the Service and receive retirement benefits in accordance with the provisions of section 821, but whenever the Secretary shall determine it to be in the public interest, he may order

Existing Legislation

such an officer's service
for a period not to exceed
five years.

Proposed Legislation

the retirement of
any such officer between the
ages of sixty and sixty-five,
or he may extend such an
officer's service for a period
not to exceed five years.

The proposed amendment to section 631 provides the Secretary with authority to order, when he determines it to be in the public interest, the retirement between the ages of 60 and 65 of a career ambassador or career minister, other than one serving as chief of mission or in any other position to which appointed by the President, by and with the advice and consent of the Senate. Thus, although the mandatory retirement age for this category of Foreign Service officers remains at sixty-five, they may be retired at any age between 60 and 65. The majority of Foreign Service officers who attain the rank of career minister or career ambassador serve as chiefs of mission or otherwise as Presidential appointees during the remainder of their careers. When an officer who has been promoted to the rank of

career minister or career ambassador begins to fail to measure up to the standards required for his rank in the Foreign Service the Secretary needs authority for his mandatory retirement, sometimes at an earlier age than 65. Since Foreign Service officers below the rank of career minister are subject to the selection-out principle, their removal from the Service can be accomplished through that means if the standard of their performance is not maintained. The selection-out principle does not apply to career ambassadors or career ministers. This amendment will provide a means for earlier retirement of such officers who do not maintain the high standards of proficiency upon the basis of which they were promoted to the highest ranks in the Foreign Service, or for whom appropriate assignments are not available.

SELECTION-OUT

Existing Legislation

Sec. 633. (a) [The
Secretary shall prescribe
regulations concerning--

(1) the maximum
period during which any
Foreign Service officer
below the class of
career minister shall
be permitted to remain
in class without promo-
tion; and

(2) the standard of
performance which any
such officer must maintain
to remain in the Service.

(b) Any Foreign Service
officer below the class of
career minister who does not
receive a promotion to a
higher class within the

Proposed Legislation

Sec. 633. (a) The
Secretary shall prescribe
regulations concerning the
standard of performance which
any Foreign Service officer
in class 1 through 7, any
Foreign Service Reserve officer
appointed under the provisions
of section 522(a), and any
staff officer in class 1 through
6 must maintain to remain in
the Service.

(b) The Secretary may
prescribe regulations con-
cerning the maximum period
during which any officer
covered under paragraph (a)
of this section shall be per-
mitted to remain in class
without promotion.

-87-

Sec. 633.

Existing Legislation

specified period or who fails to meet the standard of performance required of officers of his class shall be retired from the Service and receive benefits in accordance with the provisions of section 634.]

Proposed Legislation

(c) Any such officer who fails to meet the standard of performance required or who does not receive a promotion to a higher class within the period prescribed under paragraph (b) of this section may, notwithstanding the provisions of section 637 of this Act, the Act of June 27, 1944, as amended (5 U.S.C. 851-869), or of any other law, be separated from the Service and, if so separated, shall receive appropriate benefits in accordance with the provisions of section 634.

The proposed amendment to section 633 will preserve the present requirement that the Secretary establish standards for performance as a basis for selection-out. It will make discretionary the establishment of a maximum time in class as the basis for selection-out. Further, this amendment will give the Secretary authority to extend the selection-out principle to Foreign Service staff officers and to

Reserve officers appointed under authority of proposed new section 522(a). At present the selection-out principle applies only to Foreign Service officers in classes FSO-1 and below, except probationers in classes 7 and 8.

The selection-out principle has proved a useful tool of personnel management by providing a means of separating officers who fail to meet a high standard of performance and capability in comparison with other officers of the same class by eliminating those incapable of advancing in a highly competitive service. Selection-out has provided greater advancement opportunities for the better qualified officers in the Service and has thereby helped to maintain a young, vigorous career officer corps.

The development of an efficient Foreign Service staff officer corps has been hampered by the lack of selection-out authority. Selection-out for time in class would not be appropriate for staff officers, many of whom are technicians and specialists with professional status, but selection-out based on marginal or substandard performance is necessary in order to improve and maintain the high calibre of this corps of specialists. Selection-out authority is also needed for the development and maintenance of an effective career category of domestic officers.

SELECTION-OUT BENEFITS

Existing Legislation

Sec. 634. (a) Any

Foreign Service officer in class[es] 1, 2, or 3 who is[retired from the Service] in accordance with the provisions of section 633 shall receive retirement benefits in accordance with the provisions of section 821.

(b) Any Foreign Service officer in class[es] 4, 5, 6 or 7 who is [retired from the Service] in accordance with the provisions of section 633 shall receive--

Proposed Legislation

Sec. 634. (a) Any

Foreign Service officer in class 1, 2, or 3, or any staff officer in class 1 who is a participant in the Foreign Service Retirement and Disability System, who is separated in accordance with the provisions of section 633 shall receive retirement benefits in accordance with the provisions of section 821.

(b) Any Foreign Service officer in class 4, 5, 6 or 7, or any staff officer in class 2, 3, 4, 5 or 6 who is a participant in the Foreign Service Retirement and Disability System, who is separated in accordance with the provisions of section 633 shall receive--

Existing Legislation

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, [from the Foreign Service Retirement and Disability Fund,] in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following: Provided, That in special cases, the Secretary may in his discretion accelerate or combine the installments; and

Proposed Legislation

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then current salary rate, payable without interest, in three equal installments on the 1st day of January following the officer's retirement and on the two anniversaries of this date immediately following: Provided, That in special cases, the Secretary may in his discretion accelerate or combine the installments; and

Existing Legislation

(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a), may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 821. In the event that [an] officer [who was separated

Proposed Legislation

(2) a refund of the contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a), except that in lieu of such refund such officer, if he has at least five years of service credit toward retirement under the Foreign Service Retirement and Disability System, excluding military or naval service that is credited in accordance with the provisions of section 851 or 852(a), may elect to receive retirement benefits on reaching the age of sixty in accordance with the provisions of section 821. In the event that such officer dies

Existing Legislation

from class 4 or 5 and who has elected to receive retirement benefits] dies before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 832. [In the event that an officer who was separated from class 6 or 7 and who has elected to receive retirement benefits dies before reaching the age of sixty, the total amount of his contributions made to the Foreign Service Retirement and Disability Fund, with interest as provided in section 841(a) shall be paid in accordance with the provisions of section 841(b).]

Proposed Legislation

before reaching the age of sixty, his death shall be considered a death in service within the meaning of section 832.

-94-

Sec. 634.

Existing Legislation

(c) [Notwithstanding the provisions of section 3477 of the Revised Statutes, as amended (31 U.S.C. 203) or the provisions of any other law, a Foreign Service officer who is retired in accordance with the provisions of section 633 shall have the right to assign to any person or corporation the whole or any part of the benefits receivable by him pursuant to paragraph (b)(1) of this section. Any such assignment shall be on

Proposed Legislation

(c) Any Reserve officer, or any staff officer who is not a participant in the Foreign Service Retirement and Disability System, who is separated from the Service in accordance with the provisions of section 633 shall receive--

(1) one-twelfth of a year's salary at his then current salary rate for each year of service and proportionately for a fraction of a year, but not exceeding a total of one year's salary at his then

-95-

Sec. 634.

Existing Legislation

a form approved by the Secretary of the Treasury and a copy thereof shall be deposited with the Secretary of the Treasury by the officer executing the assignment.]

Proposed Legislation

current salary rate,
payable without
interest in three
equal installments
on the 1st day of
January following
the officer's retire-
ment and on the two
anniversaries of this
date immediately
following: Provided,
That in special cases
the Secretary may in
his discretion acceler-
ate or combine the
installments; and

(2) such benefits
as shall accrue to
him under the retire-
ment system in which
he is a participant

-96-

Sec. 634.

Existing Legislation

Proposed Legislation

in accordance with
that system's provi-
sions relating to
involuntary separa-
tion.

As indicated in the explanation of section 633, authority is being sought to extend the selection-out principle to Foreign Service staff personnel of classes 6 through 1 and to the newly created category of career domestic officers appointed under the provisions of section 522(a). Under existing legislation selection-out benefits relating thereto are applicable only to Foreign Service officers. Section 634, therefore is amended to make these benefits payable to any participant who is selected out.

-97-

Sec. 634.

Under the current provisions of paragraph (a) of this section, Foreign Service officers in class 1, 2 or 3 who are selected out are entitled to immediate annuities under section 821. The proposed amendment to paragraph (a) will provide the same benefit for class 1 staff officers who are participants in the System.

Under the current provisions of paragraph (b) of this section Foreign Service officers in class 4, 5, 6 or 7 who are selected out are entitled to severance benefits at one-twelfth of a year's salary for each year of service not to exceed a total of a year's salary and an election to receive a refund of contributions made to the retirement fund or a deferred annuity payable at age sixty provided that at time of separation they have five or more years of creditable service. Under the proposed amendment to paragraph (b) these benefits are extended to any staff officer in class 2, 3, 4, 5 or 6 who are participants in the Foreign Service Retirement and Disability System.

Existing section 634(c) is being repealed as being no longer necessary since its provisions that a selected

-98-

Sec. 634.

out participant may make assignments for all or any part of such selection-out benefits are offset by the provision that the Secretary may in his discretion accelerate or combine severance payment installments.

New paragraph (c) provides severance benefits for any Foreign Service Reserve officer appointed under the provisions of section 522(a) who is selected out and for any staff officer in class 1, 2, 3, 4, 5 or 6 who is not a participant in the Foreign Service Retirement and Disability System and who is selected out. Subparagraph (2) of proposed section 634(c) provides that such selected out officers who are not participants in the Foreign Service Retirement and Disability System shall receive such benefits as have accrued to them under the retirement system in which they are participants on the basis of their involuntary separation.

Amended section 634 is so drafted that severance payments are paid from the Salaries and Expenses appropriation, rather than the Foreign Service Retirement and Disability Fund as is now the case.

-99-

Sec. 634.

The several amendments to section 634 are designed to provide equitable but effective means of administering selection-out of Foreign Service staff officers and employees, as well as Reserve officers with career status.

Existing Legislation

FOREIGN SERVICE OFFICERS

RETIRED FROM CLASS 7 OR 8

Sec. 635. Any Foreign Service officer in class 7 who is appointed under the provisions of section 516(b) and any Foreign Service officer in class 8 shall occupy probationary status. The Secretary may terminate his service at any time.

Proposed Legislation

FOREIGN SERVICE OFFICERS

RETIRED FROM CLASS 6, 7 OR 8

Sec. 635. Any Foreign Service officer in class 6 or 7 who is appointed under the provisions of section 516(b) and any Foreign Service officer in class 8 shall occupy probationary status. The Secretary may terminate his service at any time.

The proposed amendment to section 635 coordinates this section with the proposed amendment to section 516 which would authorize the Secretary to recommend for appointment directly to class 6 a candidate who has passed the FSO-8 examination and for whom, in the opinion of the Secretary, such appointment is appropriate on the basis of age, experience and other qualifications of the candidate. This amendment will place FSO's in class 6, appointed under the provisions of section 516(b) in the same probationary status as that occupied by class 7 officers appointed under the provision of 516(b) and all class 8 officers.

SEPARATION FOR CAUSE

Existing Legislation

Sec. 637. (a) The Secretary may, under such regulations as he may prescribe, separate from the Service any Foreign Service officer, Reserve officer, or staff officer or employee, on account of the unsatisfactory performance of his duties, or for such other cause as will promote the efficiency of the Service, with reasons given in writing, but no such officer or employee shall be so separated until he shall have been granted a hearing by the Board of the Foreign Service and the unsatisfactory performance of his duties, or other cause for separation, shall have been established.

Proposed Legislation

Sec. 637. (a) The Secretary may, under such regulations as he may prescribe, separate from the Service any Foreign Service officer, Reserve officer, or staff officer or employee, on account of the unsatisfactory performance of his duties, or for such other cause as will promote the efficiency of the Service, with reasons given in writing, but no such officer or employee shall be so separated until the Secretary shall have granted him a hearing at which the unsatisfactory performance of his duties, or other cause for separation, shall have been established, unless he shall have waived in writing his

Existing Legislation

[at such hearing], unless he shall have waived in writing his right to a hearing. The provisions of this section shall not apply to [Foreign Service officers of class 8 or] any [other] officer or employee of the Service who is in a probationary status or whose appointment is limited or temporary [, except when separation is by reason of misconduct].

Proposed Legislation

right to a hearing. The provisions of this section shall not apply to any officer or employee of the Service who is in a probationary status or whose appointment is limited or temporary.

The existing legislation both requires the Secretary himself to take final action on separations for cause and limits the Secretary's discretion in accepting or rejecting findings of the Board of the Foreign Service. Accordingly, the amendment to section 637 will provide the Secretary with authority to separate for cause any officer or employee of the Service but will eliminate the requirement that such separation must be based upon the establishment of cause for separation in a hearing by

the Board of the Foreign Service. The officer or employee, however, will be granted a hearing that will ensure fair and impartial consideration of his case. He may waive in writing his right to such a hearing. Final determinations regarding separation for cause could be made by a senior officer of the Department as determined by the Secretary based upon adequate review of all pertinent facts, including those developed in a hearing. The reference to separation by reason of misconduct in the last sentence of the existing section is deleted since this sentence refers to the separation of officers or employees in probationary status or who are on limited or temporary appointments whose services may be terminated at any time without recourse to a hearing process.

-104-

Sec. 638.

Existing Legislation

TERMINATION OF [LIMITED
APPOINTMENTS OF] FOREIGN
SERVICE RESERVE OFFICERS
AND STAFF OFFICERS AND
EMPLOYEES

Sec. 638. Notwith-
standing the provisions of
this or any other law, the
Secretary may, under such
regulations as he may pre-
scribe, terminate at any
time the services of any
Reserve officer or staff
officer or employee [serving
under limited appointment,
except that, if the termina-
tion is because of misconduct,
the provisions of section 637
shall be applicable].

Proposed Legislation

TERMINATION OF FOREIGN SERVICE
RESERVE OFFICERS AND STAFF
OFFICERS AND EMPLOYEES SERVING
PROBATIONARY, LIMITED OR
TEMPORARY APPOINTMENTS

Sec. 638. Notwith-
standing the provisions of
this or any other law, the
Secretary may, under such
regulations as he may pre-
scribe, terminate at any
time the services of any
Reserve officer or any staff
officer or employee who is
in a probationary status or
whose appointment is limited
or temporary.

Section 638 is amended to include authority now contained
in section 531 regarding the separation without a hearing of
probationary, limited or temporary staff personnel. Reference
to such authority is more appropriate to Title VI than it is
to Title V, and section 531 is being amended accordingly.

The proposed amendment to section 638 also eliminates the present reference to section 637 which provides for a hearing by the Board of the Foreign Service when limited appointees are terminated because of misconduct. Since probationary, temporary or limited officers or employees are terminated under the provisions of this section, there is no need to separate them for cause under the provisions of section 637.

Throughout the amendments changes have been made in the role of the Board of the Foreign Service. The Board's role as an advisory group on administrative policy is being emphasized. It is being relieved of operational responsibilities such as the conduct of hearings.

Existing Legislation

Proposed Legislation

TERMINATION OF OFFICERS APPOINTED
UNDER SECTION 517

Sec. 639. (a) The Secretary may, under such regulations as he may prescribe, terminate the services of a Foreign Service officer appointed under the provisions of section 517 at any time during the first two years of his assignment abroad next following appointment, but no later than three years from the date of appointment.

(b) Any officer whose services are terminated under this section, and whose contributions to the Foreign Service Retirement and Disability Fund are not transferred to some other Government retirement system in accordance with applicable law, who has at least five years of service

Existing LegislationProposed Legislation

credit toward retirement
under the System, excluding
military or naval service that
is credited in accordance with
the provisions of section 851
or 852(a)(2), may, upon separa-
tion from the Service, or at
any time prior to becoming
eligible for an annuity, elect
to have his contributions to
the Fund returned to him in
accordance with the provisions
of section 841, or to leave
his contributions in the Fund
and receive an annuity, com-
puted as prescribed in section
821, commencing at the age of
sixty years. In the event that
an officer who has elected under
the provisions of this section
to receive a deferred annuity
dies before reaching the age of
sixty, his contributions to the

Existing Legislation

Proposed Legislation

Fund, with interest, shall be paid in accordance with the provisions of sections 841 and 881.

(c) In lieu of termination under paragraph (a) of this section any eligible participant may apply for retirement under the provisions of section 636.

The proposed new section 639 will provide a means whereby the services of any Foreign Service officer appointed under the provisions of section 517 may be terminated if within a specified period of time he or his family fails to adjust properly to the conditions of overseas service.

Even though an officer may have shown his capacity to meet the standards of performance of the Service he must demonstrate his ability to perform effectively in an alien environment, often under hardship conditions and to adjust to work with and live among people of a different cultural background. It would be the Department's intention to exempt an officer from the provisions of this section after a reasonable period of overseas service and

to exempt completely from the provisions of this section one whose record at time of appointment showed the successful completion of a recent tour of duty abroad.

Under the provisions of this section a person who received an appointment as a Foreign Service officer under section 517 could be separated as soon as it became evident he or his family was not adjusting to overseas service. Any person separated under this authority who was appointed directly from a Government position in which he had career status would be provided placement assistance by the Civil Service Commission through administrative agreement between the Department and the Commission.

It is not the Department's intention to separate under section 639(a) any officer appointed under section 517 who has not had an opportunity to prove his ability to serve effectively abroad.

Section 639(b) provides that a participant terminated under this section may, if he has at least five years of Service credit, receive a refund of retirement contributions or a deferred annuity.

Section 639(c) provides that any eligible participant may in lieu of termination under this section elect, with the approval of the Secretary, voluntary retirement under the provisions of section 636.

Existing Legislation

No existing legislation.

Proposed Legislation

CONTINUANCE DURING IMPRISONMENT

Sec. 664. (a) Any alien employed for service abroad under this Act, or by personal service contract under 5 USC 170 g (c), who is or has been imprisoned by a foreign government, and whose imprisonment the Secretary determines to be the direct result of the alien's employment by the United States Government and not a result of conduct unrelated to such employment, shall, for the period of such imprisonment, be entitled to receive salary including periodic salary increments and related fringe benefits: Provide^d, That any such payment shall take into account payments made from any other United States Government source for such imprisonment.

Existing Legislation

Proposed Legislation

(b) The Secretary may make payments under paragraph (a) of this section, in such manner as he deems fit, either to the employee or to one or more of his dependents and may, as circumstances warrant, continue, discontinue, increase or decrease any allotments made by the employee before his imprisonment. The term "dependent" as used in this section means a person defined as a dependent in title 50 United States Code Appendix, section 1001(c). The Secretary shall determine the fact of dependency, and such determination shall be conclusive.

Existing LegislationProposed Legislation

(c) Entitlement to payments
under this section shall cease
upon death or release from impri-
sonment, whichever is sooner. The
determination of the time of occur-
rence of either event shall be
made by the Secretary on the basis
of such information as has been
received or, in the case of death,
when a sufficient period of time
without information shall have
elapsed as to establish a reason-
able presumption that the employee
is no longer alive. Such deter-
minations shall be conclusive,
except, that when circumstances
warrant reconsideration of a deter-
mination, the Secretary may change
or modify a previous determination.
Payments determined to be erroneous
payments or overpayments by such
a reconsideration may be waived

-113-

Sec. 664.

Existing Legislation

Proposed Legislation

when recovery is deemed to be
against equity and good con-
science.

(d) Any period of imprison-
ment determined by the Secretary
to fall within this section may
be determined to be creditable
service for purposes of the Civil
Service Retirement Act, as
amended, (5 USC 2251 et seq)
and faithful service for purposes
of 8 United States Code 1101(a)
(27)(G). Disability or death
resulting from personal injury
during such period may be con-
sidered to have been sustained
while in the performance of
duty for purposes of the Federal
Employees Compensation Act (5
USC 751 et seq).

-114-

Sec. 664.

The proposed new section 664 would provide the Secretary with authority relating to the relief of certain alien employees similar to authority now provided by the Missing Persons Act for the relief of United States citizen employees. It would apply to employees on direct hire under section 541 of the Foreign Service Act or to employees on personal service contracts under the provisions of 5 USC 170 g (c). Under the provisions of this proposal the Secretary would be authorized to make appropriate payments when it is determined that as the direct result of the alien's employment by the United States Government he has been imprisoned by a foreign government. When such a determination is made the alien employee's salary, including normal within-class increases and related fringe benefits would be paid to the employee or to his dependents as if he had continued in the employment of the United States Government.

The proposed amendment further provides that the period of imprisonment of an alien employee may be deemed to be creditable service for purposes of the Civil Service Retirement Act and would permit disability retirement if an examination determined that the person was unable to work as a result of such imprisonment. It provides further that such period of imprisonment may be deemed to be faithful service creditable toward the 15-year service requirement to qualify for nonquota status under the Immigration and Nationality Act.

The proposed new authority will be applicable to only a limited number of alien employees. Currently the Department is aware of approximately 30 former alien employees of the Department of State who since World War II have suffered imprisonment or detention because of their employment by the United States Government. Some of these employees have served as many as twelve years before being released from imprisonment. The Department is most anxious to find a means of showing tangible evidence of the United States Government's interest and appreciation for those who have suffered as a result of dedicated service to this Government. This section would enable the Secretary to provide equitable treatment for a

-116-

Sec. 664.

small group of loyal aliens without having to resort to
private relief legislation.

PART I -- INSPECTIONS

Existing Legislation

Sec. 681. The Secretary shall assign or detail Foreign Service officers as Foreign Service inspectors to inspect in a substantially uniform manner and at least once every two years the work of the diplomatic and consular establishments of the United States. Whenever the Secretary has reason to believe that the business of a consulate is not being properly conducted and that it is necessary in the public interest, he may authorize any Foreign Service inspector to suspend the principal officer or any subordinate consular officer and to administer the office in the place of the principal officer

Proposed Legislation

Sec. 681. The Secretary shall assign or detail officers of the Service as Foreign Service inspectors to inspect in a substantially uniform manner the work of the diplomatic and consular establishments of the United States. Whenever the Secretary has reason to believe that the business of a consulate is not being properly conducted and that it is necessary in the public interest, he may authorize any Foreign Service inspector to suspend the principal officer or any subordinate consular officer and to administer the office in the place of the principal officer for a period not exceeding ninety days. The

-118-

Sec. 681.

Existing Legislation

for a period not exceeding ninety days. The Secretary may also authorize a Foreign Service inspector to suspend any diplomatic officer except a chief of mission. A Foreign Service inspector shall have the authority to suspend any other officer or employee of the Service.

Proposed Legislation

Secretary may also authorize a Foreign Service inspector to suspend any diplomatic officer except a chief of mission. A Foreign Service inspector shall have the authority to suspend any other officer or employee of the Service.

The proposed amendment to section 681 will provide the Secretary with broad discretionary authority in the assignment of officers to serve in the Inspection Corps. Under this authority he may, as the needs of the Service demand, assign or detail as an inspector any Foreign Service officer, Foreign Service staff officer or Foreign Service Reserve officer. It is also contemplated that qualified officers of the Department may be assigned to the Reserve category in order that they may serve as inspectors.

The proposed amendment will also eliminate the statutory requirement for inspection of all Foreign Service posts at least every two years. Full-scale biennial inspections at larger, well-established posts have proven to be uneconomical of both the posts' and the inspectors' time. Nevertheless, the Department intends to have every post in a two-year period visited by an inspection team, by the Inspector General, or by a senior Foreign Service inspector. In addition, the Secretary would from time to time employ as consultants outstanding private citizens to view at first hand, and comment upon, problems encountered at various posts abroad. In this manner, the Department can keep itself current on conditions at each post without having to schedule full-scale inspections every two years. On the other hand, more frequent inspections may be warranted for some posts, and it would be the Department's intention to arrange the schedule of inspections to accommodate such needs.

The requested revised authority will enable the Secretary, with existing resources, to use the Foreign Service inspection corps more effectively in accordance with the current needs of the Service.

-120-

Sec. 701.

Existing Legislation

TITLE VII - THE [FOREIGN
SERVICE] INSTITUTE

ESTABLISHMENT OF THE
INSTITUTE

Sec. 701. The Secretary shall, in order to furnish training and instruction to officers and employees of the Service and of the Department and to other officers and employees of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training, establish a [Foreign Service] Institute, hereinafter called the Institute. The Secretary may also provide appropriate orientation and language

Proposed Legislation

TITLE VII - THE NATIONAL
INSTITUTE OF FOREIGN AFFAIRS

ESTABLISHMENT OF THE
INSTITUTE

Sec. 701. The Secretary shall, in order to furnish training and instruction to officers and employees of the Service and of the Department and to other officers and employees of the Government for whom training and instruction in the field of foreign relations is necessary, and in order to promote and foster programs of study incidental to such training, establish a National Institute of Foreign Affairs, hereinafter called the Institute. The Secretary may also provide appropriate orientation and language

Existing Legislation

training to members of family of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees or while abroad. Other agencies of the Government shall wherever practicable avoid duplicating the facilities of the Institute and the training provided by the Secretary at the Institute or elsewhere.

Proposed Legislation

training to members of family of officers and employees of the Government in anticipation of the assignment abroad of such officers and employees or while abroad. Other agencies of the Government shall wherever practicable avoid duplicating the facilities of the Institute and the training provided by the Secretary at the Institute or elsewhere.

The language of section 701, ever since its enactment in 1946, has defined the purpose of the Foreign Service Institute as furnishing training and instruction not only "to officers and employees of the Foreign Service and the Department of State", but also "to other officers and employees of the Government for whom training and instruction in the field of foreign relations is necessary".

-122-

Sec. 701.

In accordance with this authorization, and in response to the creation of new agencies of Government and the wider participation of existing agencies in foreign affairs, more than half of the Institute's annual enrollment in recent years has come from outside the Foreign Service and the Department of State. The programs of the Institute have evolved correspondingly.

The broader name, "National Institute of Foreign Affairs", would more adequately reflect the composition of the student body and the scope of the Institute's mission. It would also help the Institute foster a spirit of cooperation and teamwork among all the departments, agencies, and services which contribute to the national effort in foreign affairs.

This proposal is for a change in name only. No other changes in the Institute legislation are being proposed.

ENDOWMENTS AND GIFTS TO THE INSTITUTE

Existing Legislation

Sec. 706. The Secretary may accept, receive, hold, and administer gifts, bequests, or devises of money, securities, or property made for the benefit of, or in connection with, the [Foreign Service] Institute in accordance with part C of title X.

Proposed Legislation

Sec. 706. The Secretary may accept, receive, hold, and administer gifts, bequests, or devises of money, securities, or property made for the benefit of, or in connection with, the Institute in accordance with part C of title X.

Section 706 is amended in connection with the proposed amendment of section 701, relating to a change in the name of the Foreign Service Institute.

PARTICIPANTS

Existing Legislation

Sec. 803. (a) The following persons, hereafter referred to as participants, shall be entitled to the benefits of the System:

(1) All Foreign
Service officers;

(2) All other persons making contributions to the Fund on the effective date of this Act;

(3) Any chief of mission who is not otherwise entitled to be a participant and who fulfills the conditions of paragraph (b) of

Proposed Legislation

Sec. 803. (a) The following persons, hereafter referred to as participants, shall be entitled to the benefits of the System:

(1) All Foreign
Service officers, or former Foreign Service officers appointed as Foreign Service staff officers or employees without a break in service in excess of three calendar days;

(2) All other persons making contributions to the Fund on the effective date of this Act;

(3) Any chief of mission who is not otherwise entitled to be a participant and who fulfills the conditions of paragraph (b) of

-125-

Sec. 803.

Existing Legislation

this section;

(b) A person to become a participant in accordance with the provisions of paragraphs (a) (3) of this section must--

(1) have served as chief of mission for an aggregate period of twenty years or more, exclusive of extra service credit in accordance with the provisions of section 853; and

(2) have paid into the Fund a special contribution for each year of such service in accordance with the provisions of section 852(b).

(c)(1) In accordance with such regulations as the President may prescribe, any Foreign

Proposed Legislation

this section;

(b) A person to become a participant in accordance with the provisions of paragraphs (a) (3) of this section must--

(1) have served as chief of mission for an aggregate period of twenty years or more, exclusive of extra service credit in accordance with the provisions of section 853; and

(2) have paid into the Fund a special contribution for each year of such service in accordance with the provisions of section 852(b).

(c)(1) In accordance with such regulations as the President may prescribe, any Foreign

Existing Legislation

Service staff officer or employee appointed [by the Secretary of State] who has completed at least ten years of continuous service in the [Department's] Foreign Service, exclusive of military service, shall become a participant in the System and shall make a special contribution to the Fund in accordance with the provisions of section 852.

(2) Any such officer or employee who, under the provisions of paragraph (c)(1) of this section, becomes a participant in the System, shall be mandatorily retired for age during the

Proposed Legislation

Service staff officer or employee, appointed subject to worldwide availability, under the authority of section 531 of this Act, to such Government agencies as the President may designate, who has completed at least ten years of continuous service in the Foreign Service, exclusive of military service, shall become a participant in the System and shall make a special contribution to the Fund in accordance with the provisions of section 852.

(2) Any such officer or employee who, under the provisions of paragraph (c)(1) of this section, becomes a participant in the System, shall be mandatorily retired for age during the

-127-

Sec. 803.

Existing Legislation

first year after the effective date of this paragraph⁷ if he attains age sixty-four or if he is over age sixty-four; during the second year at age sixty-three; during the third year at age sixty-two; during the fourth year at age sixty-one, and thereafter at age sixty.

(3) Any officer or employee who becomes a participant in the System under the provisions of paragraph (c)(1) of this section who is age 57 or over on the effective date of this paragraph⁷, may retire voluntarily at any time before mandatory retirement under paragraph (c)(2) of this section and receive retirement benefits under section 821.

Proposed Legislation

first year after he becomes a participant if he attains age sixty-four or if he is over age sixty-four; during the second year at age sixty-three; during the third year at age sixty-two; during the fourth year at age sixty-one, and thereafter at age sixty.

(3) Any officer or employee who becomes a participant in the System under the provisions of paragraph (c)(1) of this section who is age 57 or over when he becomes a participant, may retire voluntarily at any time before mandatory retirement under paragraph (c)(2) of this section and receive retirement benefits under section 821.

-128-

Sec. 803.

Existing Legislation

Proposed Legislation

(4) The provisions of paragraph (c)(1) of this section shall become effective on the first day of the first month which begins more than one year after the date of enactment of this Act, except that any staff officer or employee who at the time this Act becomes effective meets the requirements for participation in the Foreign Service Retirement and Disability System may elect to become a participant in the System before the mandatory provisions become effective. Such staff officers or employees shall become participants effective on the first day of the second month following the date of their application for earlier participation.

-129-

Sec. 803.

The proposed amendment to section 803(a) will provide that a former Foreign Service officer appointed as a staff officer or employee without a break in service in excess of three calendar days shall continue to be a participant in the Foreign Service Retirement and Disability System.

Further, the proposed amendments to section 803 will change existing provisions to provide that members of the Foreign Service staff of such agencies (including the Department) as the President may designate who are subject to worldwide availability and have completed at least ten years of continuous service in the Foreign Service, exclusive of military service, shall become participants in the Foreign Service Retirement and Disability System. Existing provisions provide that Foreign Service staff officers or employees appointed by the Secretary of State who have completed at least ten years of continuous service in the Department's Foreign Service shall become participants. Although Foreign Service staff officers and employees of the Agency for International Development and the Peace Corps could be covered under these provisions it is not contemplated that they will be made participants immediately.

Participation in the Foreign Service Retirement and Disability System of Foreign Service staff personnel of USIA as well as for those of the Department will permit the application of the

selection-out principle to Foreign Service staff officers and employees on a basis as nearly comparable as is practicable with that which relates to Foreign Service officers. It is contemplated the selection-out principle will apply only to staff officer participants in classes 6 through 1. A proposed amendment to section 633 will provide for the exclusion from the selection-out principle of staff employee participants in classes 7 through 10.

As was the case when the Foreign Service Act was amended to provide for Foreign Service staff participation in the retirement system a phase-out period is necessary in that participation

-131-

Sec. 803.

in the Foreign Service retirement system provides mandatory retirement at age 60 as opposed to age 70 under the Civil Service system.

Accordingly, section 803(c)(2) provides that those persons who become participants under the provisions of this amendment and who attain age 64 or are over 64 shall be retired during the first calendar year following such effective date. Those who attain age 63 shall be retired during the second year; those who attain 62 during the third year; those who attain 61 during the fourth year; and thereafter all participants shall be retired upon attainment of age 60.

Similarly, paragraph 803(c)(3) provides that any staff officer or employee who becomes a participant under this section who is age 57 on the date he becomes a participant may elect to retire voluntarily at any time before he reaches mandatory retirement age.

Finally, proposed paragraph (c)(4) establishes the effective date of the revised requirement for the mandatory participation of staff officers and employees as the first day of the first month which begins one year after the enactment of the provision. This delayed effective date would give any staff

-132-

Sec. 803.

officer or employee, not already a participant in the System, an opportunity to change employment if he decides not to continue in the Foreign Service staff on a career basis and, incidentally, thus also to avoid being subject to the selection-out principle. However, any staff officer or employee who meets the requirements for participation may elect to become a participant in the System earlier.

ANNUITANTS

Existing Legislation

Sec. 804.(b)(3) "Child"

means an unmarried child,
under the age of eighteen
years, or such unmarried child
regardless of age who because
of physical or mental disability
incurred before age eighteen
is incapable of self-support

[.] In addition to the off-
spring of the participant and
his or her spouse the term
includes (a) an adopted child,
and (b) a step-child or
recognized natural child who
received more than one-half
of his support from the
participant.

Proposed Legislation

Sec. 804.(b)(3) "Child"

means an unmarried child,
under the age of eighteen
years, or such unmarried child
regardless of age who because
of physical or mental disability
incurred before age eighteen
is incapable of self-support,
or such unmarried child between
eighteen and twenty-one years
of age who is a student regu-
larly pursuing a full-time
course of study or training
in residence in a high school,
trade school, technical or
vocational institute, junior
college, college, university
or comparable recognized
educational institution. A
child who is a student whose
twenty-first birthday occurs

Existing LegislationProposed Legislation

during a school year, as defined
by the Secretary, shall be deemed
for the purposes of this para-
graph, section 821(e), and
section 832 to have attained
twenty-one years of age at the
close of such school year, and
such child shall not be deemed
to have ceased to be a student
during any interim between
school years not exceeding
four months if he shows to the
satisfaction of the Secretary
that he intends to resume his
course of study or training
immediately following the
interim. In addition to the
offspring of the participant
and his or her spouse, the
term includes (a) an adopted

-135-

Sec. 804(b)(3)

Existing Legislation

Proposed Legislation

child, and (b) a step-child or recognized natural child who received more than one-half of his support from the participant. In the case of a participant who elected to receive a reduced annuity under section 634(c)(3), the term "child" does not include children who were not his children at the time of separation from the Service.

Under section 804 the definition of "child" is being amended to conform with a similar definition under the Civil Service Retirement Act, relating to children who are students beyond their eighteenth birthday. This amendment will correct an inequity now existing in the benefits paid to dependent children who are students under the Foreign Service and Civil Service retirement systems. Under the latter system a dependent

-136-

Sec. 804(b)(3)

child who maintains his student status receives survivorship benefits until the completion of the academic year in which he turns twenty-one.

A final sentence is being added to define "child" as it relates to section 634 and to survivor benefits provided by that section. Such benefits are limited to children who were the participant's children at time of selection-out.

PART C--COMPUTATION OF ANNUITIES

Existing Legislation

Sec. 821. (e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the first day of the next month after the participant dies and such annuity or any right thereto shall be terminated upon death, marriage or attainment of the age of eighteen years, except that, if a child is incapable of self-support by reasons of mental or physical disability, the annuity shall be terminated only when such child dies, marries, or recovers from such disability [.]

Proposed Legislation

Sec. 821. (e) The annuity payable to a child under paragraph (c) or (d) of this section shall begin on the first day of the next month after the participant dies and such annuity or any right thereto shall be terminated upon death, marriage or attainment of the age of eighteen years, except that (1) if a child is incapable of self-support by reasons of mental or physical disability, the annuity shall be terminated only when such child dies, marries, or recovers from such disability, or (2) the annuity of a child who is a student as defined in section 804(b)(3) shall be terminated when he dies, marries, or ceases to be a student as so defined.

Existing Legislation

Proposed Legislation

(f) At the time of retirement an unmarried participant may elect to receive a reduced annuity and to provide for an annuity equal to 50 per centum of the reduced annuity payable after his or her death to a beneficiary whose name shall be designated in writing to the Secretary. The annuity payable to a participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section and by 5 per centum of an annuity

(f) At the time of retirement an unmarried participant may elect to receive a reduced annuity and to provide for an annuity equal to 50 per centum of the reduced annuity payable after his or her death to a beneficiary whose name shall be designated in writing to the Secretary. The annuity payable to a participant making such election shall be reduced by 10 per centum of an annuity computed as provided in paragraph (a) of this section and by 5 per centum of an annuity

+139-

Sec. 821.

Existing Legislation

so computed for each full five years the person designated is younger than the retiring participant, but such total reduction shall not exceed 40 per centum. No such election of a reduced annuity payable to a beneficiary shall be valid until the participant shall have satisfactorily passed a physical examination as prescribed by the Secretary. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no

Proposed Legislation

so computed for each full five years the person designated is younger than the retiring participant, but such total reduction shall not exceed 40 per centum. No such election of a reduced annuity payable to a beneficiary shall be valid until the participant shall have satisfactorily passed a physical examination as prescribed by the Secretary. The annuity payable to a beneficiary under the provisions of this paragraph shall begin on the first day of the next month after the participant dies. Upon the death of the surviving beneficiary all payments shall cease and no

-140-

Sec. 821.

Existing Legislation

further annuity payments
authorized under this para-
graph shall be due or payable.

Proposed Legislation

further annuity payments
authorized under this para-
graph shall be due or payable.

The proposed amendment of section 821(e) conforms with the proposed amendment of section 804(b)(3), relating to children who are students beyond their eighteenth birthday.

-141-

Existing Legislation

No existing legislation.

Proposed Legislation

PART J--COST-OF-LIVING

ADJUSTMENTS OF ANNUITIES

Sec. 882. (a) Whenever
a cost-of-living annuity
adjustment is made in
annuities payable from the
Civil Service Retirement Fund
pursuant to section 18 of the
Civil Service Retirement Act,
as amended, such increase
shall apply in the same manner
to annuities payable from the
Foreign Service Retirement
Fund, except that (1) no
increase in annuity provided
by this section shall be com-
puted on any additional annuity
purchased by voluntary contri-
butions; and (2) no increase
in annuity provided by this
section shall apply to amounts

-142-

Sec. 882.

Existing Legislation

Proposed Legislation

paid under authority of
section 5 of Public Law
84-503, as amended, or any
other law authorizing annuity
grants to widows.

(b) The monthly install-
ment of annuity after adjust-
ment under this section shall
be fixed at the nearest
dollar.

New section 882 provides for the same (3 per cent) cost-of-living adjustment in annuities paid under the Foreign Service Retirement and Disability System as is now authorized for Civil Service annuitants pursuant to amendments to the Civil Service Retirement Act added by P.L. 87-793 in 1962. At the time of enactment this provision was a rider to the 1962 pay increase bill. Since Congress was about to adjourn for the year, it was decided not to seek this provision for Foreign Service annuitants at that time but to do so at a later date. The Bureau of the Budget concurred in this plan. The proposal appeared in H.R. 10485 and S. 745, 88th Congress, and was passed in 1964 without question by both Houses of Congress although the bills in which it was contained were never enacted.

PAGES 143-147, inclusive,

NOT USED

PART B -- TRAVEL AND RELATED EXPENSES
GENERAL PROVISIONS

Existing Legislation

Sec. 911. The Secretary
may, under such regulations as
he shall prescribe, pay--

(1) the travel
expenses of officers
and employees of the
Service, including ex-
penses incurred while
traveling pursuant to
orders issued by the
Secretary in accordance
with the provisions
of section 933 with
regard to the granting
of home leave;

(2) the travel
expenses of the members
of the family of an
officer or employee of
the Service when proceed-
ing to or returning from

Proposed Legislation

Sec. 911. Notwithstanding
the provisions of any other law,
the Secretary may, under such
regulations as he shall pre-
scribe and pursuant to orders
issued by him, pay expenses,
incident to appointment,
service and separation of
officers and employees of the
Service, and of the members
of their families as follows:

(1) travel to, from
and between posts of duty
in the United States and
abroad; travel for pur-
poses of home leave; travel
for rest and recuperation;
and such other travel as
he determines to be

-149-

Sec. 911.

Existing Legislation

his post of duty; accompanying him on authorized home leave, accompanying him for representational purposes on authorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment, but in no case to exceed one member of his family;

(3) the cost of transporting the furniture and household and personal effects to an officer or employee of the Service to his successive posts of duty and, on the termination of his services, to the place where he will reside;

Proposed Legislation

necessary in the interest of the Service;

(2) packing, unpacking, transporting and storing of the furniture and household and personal effects, including an automobile, of an officer or employee of the Service;

(3) preparing and transporting to the appropriate place for interment, the remains of an officer or employee who is a citizen of the United States and of the members of his family who may die while in the Service.

Existing Legislation

Proposed Legislation

(4) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service, when he is absent from his post of assignment under orders, or when he is assigned to a post to which he cannot take or at which he is unable to use such furniture and household and personal effects, or when it is in the public interest or more economical to authorize storage; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the effects transported exceed the maximum limitation fixed by regulations, when not otherwise fixed by law;

-151-

Sec. 911.

Existing Legislation

Proposed Legislation

(5) the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of an officer or employee of the Service in connection with assignment or transfer to a new post, from the date of his departure from his last post or from the date of his departure from his place of residence in the case of a new officer or employee and for not to exceed three months after arrival at the new post, or until the establishment of residence quarters, whichever shall be shorter; and, in connection with separation of an officer or employee of the Service, the cost of packing and unpacking, transporting to and from a place of storage, and storing for a period not to exceed

-152-

Sec. 911.

Existing Legislation

Proposed Legislation

three months, his furniture and household and personal effects; but in no instance shall the weight or volume of the effects stored together with the weight or volume of the transported exceed the maximum limitations fixed by regulations, when not otherwise fixed by law.

(6) the travel expenses of the members of the family and the cost of transporting the personal effects and automobile of an officer or employee of the Service, whenever the travel of such officer or employee is occasioned by changes in the seat of the government whose capital is his post;

(7) the travel expenses and transportation costs incident to

-153-

Sec. 911.

Existing Legislation

Proposed Legislation

the removal of the members of the family of an officer or employee of the Service and his furniture and household and personal effects, including automobiles, from a post at which, because of the prevalence of disturbed conditions, there is imminent danger to life and property, and the return of such persons, furniture, and effects to such post upon the cessation of such conditions; or to such other posts as may in the meantime have become the post to which such officer or employee has been assigned;

(8) the cost of preparing and transporting to their former homes in the continental United States or to a place not more distant, the remains of an officer or employee of the Service who is

-154-

Sec. 911.

Existing Legislation

Proposed Legislation

a citizen of the United States
and of the members of his family
who may die abroad or while in
travel status;

(9) the travel expenses of
officer and employees of the Serv-
ice who are citizens of the United
States, and members of their fami-
lies, while serving at posts speci-
fically designated by the Secretary
for purposes of this paragraph, for
rest and recuperation to other
locations abroad having different
environmental conditions than those
at the post at which such officers
and employees are serving, provided
that such travel expenses shall be
limited to the cost for each officer
or employee and members of his family
of one round-trip during any contin-
uous two-year tour unbroken by home
leave and two round trips during any
continuous three-year tour unbroken

Existing LegislationProposed Legislation

(10) the travel expenses of members of the family accompanying, preceding, or following an officer or employee if, while he is en route to his post of assignment, he is ordered temporarily for orientation and training or is given other temporary duty.]

It is proposed to amend section 911 to simplify existing authority relating to transportation and travel and to provide the Secretary with the broad general authority that will meet the changing needs of the Service. The needs of the Service are such and the conditions of service are subject to change to the extent that broad general legislative authority is necessary. Travel legislation which in the past was spelled out to meet individual conditions and circumstances very soon became so limiting that additional amendments were necessary. In the interests of the Service and in order to promote the efficiency of the Service, the Secretary needs to be able to move personnel from post to post in the United States and abroad to meet staffing needs; to provide training; to authorize periods of rest and recuperation travel and leave periods; and to meet personal family emergencies.

-156-

Sec. 911.

emergencies. The "notwithstanding" clause has not been added in an attempt to circumvent the provisions of section 901 of the Merchant Marine Act of 1936, regarding use of American flag ships for U. S. Government-financed transportation, or Concurrent Resolution No. 53, 87th Congress, 2nd Session, regarding use of American flag aircraft. Rather, its purpose is merely to eliminate certain confusion which has existed in the past with respect to the Secretary's authority under this section to prescribe Foreign Service travel regulations.

Travel necessary "in the interest of the Service" includes, inter alia: (1) travel for official purposes within the country of assignment; (2) travel for official purposes outside the country of assignment (e.g., for consultation in the Department or to attend regional conferences organized by or with the approval of the Department); (3) travel by members of an officer's or employee's family accompanying him for representational purposes (e.g., within country of assignment when approved by the ambassador, or to and from the United States when approved by the Secretary); (4) travel by employee's wife for orientation and language training before departure for post of assignment or away from post after arrival there; (5) travel of employees and dependents occasioned by changes in the seat of government;

(6) travel of members of an officer's family accompanying him when removed from the country of assignment for reasons of state; (7) emergency travel by an employee or a member of his family due to death or serious illness of a close relative of the employee or his spouse; (8) travel for purposes of separation or retirement.

The proposed amendment would consolidate existing authorities relating to the cost of packing, unpacking, transporting and storing of furniture, household and personal effects including automobiles. Authority relating to the cost of preparing and transporting to an appropriate place for interment the remains of an officer or employee or members of his family who may die in the Service is continued. As restated, paragraph (b) would extend the Secretary's authority to cover such costs when an officer or employee of the Service or members of his family die while in the United States.

PART C - COMMISSARY SERVICE

Existing Legislation

No existing legislation.

Proposed Legislation

Sec. 921. (d) Notwith-
standing the provisions of
any other law, assets derived
from any non-Government-
operated commissary, mess
service or recreational
facility at a Foreign Service
post abroad, through termina-
tion or otherwise, may be used
as working funds, under such
regulations as the Secretary
shall prescribe, for purposes
of subsection (b) of this
section. Such assets as may
be derived under this subsec-
tion shall remain available
without fiscal year limitation.
This subsection shall be effec-
tive as of January 1, 1950.

New subsection 921(d) would broaden the Secretary's authority under subsection 921(b) to provide assistance to non-Government-operated commissaries, mess services and recreational facilities.

At present, when a non-Government-operated commissary is terminated because of the closing of a post or for any other reason, the assets that remain after the payment of creditors are disposed of in a variety of ways. Sometimes, they are distributed to members; at other times, they go to local charities; and occasionally they are remitted to the Foreign Service Association. Subsection 921(d) provides that such assets may go into a special account to be used as working funds to assist similar operations elsewhere in the world. It would also permit a similar use of funds contributed by, or otherwise derived from, a commissary because of changed conditions at the post. A sharp cut-back in the American staff at a post would, for example, justify a partial liquidation of the commissary rather than its complete dissolution.

The effective date of the new subsection is January 1, 1950, so that funds in the amount of \$128,164.51, which derived from the closing of the employee-operated commissary at Seoul, Korea, in June 1950 and which have been held in a suspense account since that time, could be made available to assist other commissary operations.

PART E -- MEDICAL SERVICES

EXPENSES OF TREATMENT

Existing Legislation

Sec. 941. (a) In the event an officer or employee of the Service who is a citizen of the United States incurs an illness or injury while such person is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for the cost of treatment of such illness or injury [.]

(b) In the event a dependent of a United

Proposed Legislation

Sec. 941. (a) In the event an officer or employee of the Service who is a citizen of the United States incurs an illness or injury while such person is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for the cost of treatment of such illness or injury, including the continuation of treatment after separation.

(b) In the event a dependent of a United

Existing Legislation

States citizen officer or employee of the Service who is stationed abroad, incurs an illness or injury while such dependent is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for that portion of the cost of treatment of each such illness or injury that exceeds \$35 up to a maximum limitation of one hundred and twenty days of treatment for each such illness

Proposed Legislation

States citizen officer or employee of the Service who is stationed abroad, incurs an illness or injury while such dependent is located abroad, which requires hospitalization or similar treatment, and which is not the result of vicious habits, intemperance, or misconduct on his part, the Secretary may, in accordance with such regulations as he may prescribe, pay for that portion of the cost of treatment of each such illness or injury that exceeds \$35 up to a maximum limitation of one hundred and twenty days of treatment for each such illness

Existing Legislation

or injury, except that such maximum limitation shall not apply whenever the Secretary, on the basis of professional medical advice, shall determine that such illness or injury clearly is caused by the fact that such dependent is or has been located abroad.

Proposed Legislation

or injury, except that such maximum limitation shall not apply whenever the Secretary, on the basis of professional medical advice, shall determine that such illness or injury clearly is caused by the fact that such dependent is or has been located abroad.

The Secretary may continue hospitalization or similar treatment authorized under this section beyond the date of an officer or employee's death or separation from the Service, but only within the limitations of this section.

(c) The Secretary may establish a medical station and provide for the services of a physician, a nurse, or

Existing Legislation

[(c)] After sufficient experience in the operation of the medical protection plan authorized in subsections (a) [and (b)] of this section has been obtained, as determined by the Secretary, and if he considers that the benefits so authorized can be provided for as well and as cheaply in other ways, the Secretary may, under such regulations, and for such persons, locations, and conditions as he may deem appropriate, and within the limits

Proposed Legislation

other medical personnel at a post at which, in his opinion, sufficient personnel is employed to warrant such a station.
Simple medical care for on-the-job illness or injury shall be provided for officers and employees of the Service by such medical stations.

(d) After sufficient experience in the operation of the medical protection plan authorized in subsections (a), (b), and (c) of this section has been obtained, as determined by the Secretary, and if he considers that the benefits so authorized can be provided for as well and as cheaply in other ways, the Secretary may, under such regulations, and for such persons, locations, and conditions as he may deem appropriate, and within the limits

Existing Legislation

prescribed in such subsections
contract for medical care
pursuant to such arrangements,
insurance, medical services,
or health plans as he may deem
appropriate.

Proposed Legislation

prescribed in such subsections,
contract for medical care
pursuant to such arrangements,
insurance, medical services,
or health plans as he may deem
appropriate.

The proposed amendment to sections 941(a) and (b) will authorize the Secretary to continue medical benefits for officers and employees beyond the date of separation and for dependents beyond the date of the death or separation of an officer or employee whenever it is considered in the public interest to do so. Existing authority accords to eligible dependents the identical medical benefits granted to employees except for a 120-day limit on the period of treatment at United States Government expense for a single illness or injury and except for the first \$35.00 of the cost of hospitalization or similar treatment. At present medical benefits for officers and employees cannot be continued beyond date of separation from the Service and dependent benefits cease automatically at the time the employee dies or is separated from the Service. After the employee's separation the Department has no authority to examine him nor has it authority to examine a dependent or to authorize medical care for such

dependent even though an illness or injury may, in fact, have occurred abroad and would, under normal circumstances, be a matter for which treatment would be authorized. These circumstances have caused embarrassment and seemingly unfair treatment of affected employees and dependents. There are instances in which a dependent who has been in a hospital at the time the sponsoring employee died or was separated has had to assume responsibility for all care rendered after the date of death or separation. Employees and dependents on the verge of receiving treatment have been denied it because of the mandatory separation or death of the sponsoring employee.

The number of such cases is small and will never be large. To continue to deny care in such cases where under normal circumstances the Department would have been responsible for continued care places both the Department and the affected employee and dependent in an unfortunate position. To the extent that the Department would be obligated to examine an employee or one of his dependents or to provide medical care were the employee still alive, it should ideally have had authority after the death or separation of the employee to fulfill this obligation on a one-time basis within a specified period of time. Since the principle of 120 days limitation is already established for this section, it is proposed to continue this limitation.

The other changes made in section 941 are technical ones. Section 942(b) has been redesignated as section 941(c) because it relates more directly to the subject of this section, "Expenses of Treatment". The phrase "first-aid station" is being changed to "medical station" as being more descriptive of the type of facility operated under the medical program abroad. A sentence has also been added to this paragraph to clarify the Department's authority to provide officers and employees with simple on-the-job medical care for illness or injury. Other minor changes are the redesignation of 941(c) as 941(d), since it should remain at the end of this section, and appropriate reference changes.

TRAVEL FOR MEDICAL PURPOSES

Existing Legislation

Sec. 942. [(a)] In the event an officer or employee of the Service who is a citizen of the United States or one of his dependents, requires medical care, for illness or injury not the result of vicious habits, intemperance or misconduct, while stationed abroad in a locality where there is no qualified person or facility to provide such care, the Secretary may, in accordance with such regulations as he may prescribe, pay the travel expenses of such person by whatever means he shall deem appropriate, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section

Proposed Legislation

Sec. 942. In the event an officer or employee of the Service who is a citizen of the United States or one of his dependents, requires medical care, for illness or injury not the result of vicious habits, intemperance or misconduct, while stationed abroad in a locality where there is no qualified person or facility to provide such care, the Secretary may, in accordance with such regulations as he may prescribe, pay the travel expenses of such person by whatever means he shall deem appropriate, including the furnishing of transportation, and without regard to the Standardized Government Travel Regulations and section

Existing Legislation

10 of the Act of March 3, 1933, as amended (60 Stat. 808; 5 U.S.C. 73b), to the nearest locality where suitable medical care can be obtained. If any such officer, employee, or dependent is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Secretary may also pay the round-trip travel expenses of an attendant or attendants.

7(b) The Secretary may establish a first-aid station and provide for the services of a physician, a nurse, or other medical personnel at a post at which, in his opinion, sufficient personnel is employed to warrant such a station.7

Proposed Legislation

10 of the Act of March 3, 1933, as amended (60 Stat. 808; 5 U.S.C. 73b), to and from the nearest locality where suitable medical care can be obtained. If any such officer, employee, or dependent is too ill to travel unattended, or in the case of a dependent too young to travel alone, the Secretary may also pay the round-trip travel expenses of an attendant or attendants.

When section 942(a) was amended by P.L. 87-195 authority to pay the medical travel expenses of an officer, employee, or dependent from a locality where he had been sent for suitable medical care was inadvertently omitted. The phrase "and from" is inserted in this section to correct the omission.

Section 942(b) relating as it does to the provision of medical service rather than transportation for medical treatment should be in section 941. Accordingly, it is proposed to delete section 942(b) and to renumber it as section 941(c).

PHYSICAL EXAMINATIONS AND COSTS OF INOCULATIONS

Existing Legislation

Sec. 943. The Secretary shall, under such regulations as he may prescribe, provide for physical examinations for applicants for employment and for officers and employees of the Service [who are citizens of the United States, and for their dependents], including examinations necessary to establish disability or incapacity in accordance with the provisions of section 831, and shall provide for administering inoculations or vaccinations to such officers and employees and [their dependents].

Proposed Legislation

Sec. 943. The Secretary shall, under such regulations as he may prescribe, provide for physical examinations for applicants for employment and for officers and employees of the Service and for the dependents of those officers and employees who are citizens of the United States, including examinations necessary to establish disability or incapacity in accordance with the provisions of section 831 or to determine the need for continuation of treatment under the provisions of sections 941(a) and (b), and shall provide for administering inoculations or vaccinations to such officers and employees and the dependents of those officers and employees

Existing Legislation

Proposed Legislation

who are citizens of the United
States.

The proposed amendment to section 943 will provide the Department with needed authority to render limited medical service to local employees not now authorized by existing legislation. By providing such local employees with protection against communicable diseases we lessen the exposure of our American-citizen staff members to health risks, and by giving simple medical care for on-the-job illnesses to local employees we improve their attendance record and job productivity. This additional authority for medical benefits is limited to local employees and is not available to the dependents of such employees. A further change in this section clarifies the Department's authority to give examination to employees after their separation and to dependents after the employee's separation or death in order to determine the need for continuation of medical treatment as is proposed in sections 941(a) and (b).

Existing Legislation

No existing legislation.

Proposed Legislation

COOPERATION WITH FOREIGN
GOVERNMENTS IN THE PROVISION
OF MEDICAL BENEFITS

Sec. 944. (a) Without
regard to any other law or
limitation of authority, the
Secretary may, whenever he
deems it will effectuate the
purposes of section 941, 942
and 943 of this Act, provide
for cooperation in, or inter-
change of, medical and related
services abroad between the
United States Government and
foreign governments or inter-
national organizations on such
terms and conditions as he deems
appropriate. This authority may in
clude, but shall not be limited
to, payment of funds and trans-
fer of United States Government-
owned property. Funds received

-173-

Sec. 944.

Existing Legislation

Proposed Legislation

from foreign governments or international organizations, if any, may be used for direct expenditure or for reimbursement of appropriations of the Department's medical program.

(b) Any person eligible to receive medical and related services under sections 941, 942 and 943 of this Act who incurs an illness or injury or who has such illness or injury aggravated as a result of an arrangement entered into under subsection (a) shall, for purposes of all Federal legislation, be considered as if he had incurred or had aggravated that illness or injury under the Department's medical program.

Proposed new section 944 would provide the Secretary with broad general authority for cooperation in, or interchange of, medical and related services abroad between the United States Government and foreign governments or international organizations when he considers such cooperation or interchange desirable to effectuate the purposes of sections 941, 942 and 943 of the Foreign Service Act. By this means provisions related to medical treatment, travel for medical purposes, physical examinations and inoculations now authorized for United States citizen employees and their dependents may be made available to the employees of foreign governments or international bodies or may be provided for United States citizen employees and their dependents through facilities of foreign governments or international organizations.

Payment and transfer of United States funds or goods and the receipt of funds from other governments or international organizations would be authorized in connection with such cooperation in and interchange of medical and related services abroad. Protection now available to United States citizen employees and their dependents through tort claims settlement authority and Federal Employee's Compensation Act provisions

-175-

Sec. 944.

would be extended to cover such employees who received medical and related services through the facilities of foreign governments or international organizations. Through the Economy Act these advantages could be extended to personnel of other agencies operating overseas.

Further, it is proposed that any person eligible to receive medical and related services under section 941, 942 and 943 of the Foreign Service Act who has such illness or injury aggravated as a result of an arrangement entered into under the provisions of this section shall, for the purposes of all Federal legislation, be considered as if he had incurred or had aggravated this illness or injury under the Department's medical program.

The Department has contemplated for several years the sharing with the British Government on a reciprocal basis our respective overseas Foreign Service medical facilities at certain posts. There have been several instances where through the absence of medical facilities in certain areas American personnel have been provided medical and related services in British Government facilities. The Department needs authority to reciprocate with the British for such services by making its medical facilities available where British facilities are

-176-

Sec. 944.

lacking. The Department may in time wish to enter into arrangements with other governments as well to extend medical services on a reciprocal or cooperative basis. It is believed that the language of the section should be such that the framework for future negotiations will be sufficiently broad to meet new situations which might develop.

AGAINST ACCEPTING PRESENTS

Existing Legislation

Sec. 1002. An officer or employee of the Service shall not ask or, without the consent of the Congress, receive, for himself or any other person, any present, emolument, pecuniary favor, office, or title from any foreign government [.] A chief of mission or other principal officer may, however, under such regulations as the President may prescribe, accept gifts made to the United States, or to any political subdivision thereof by the government to which he is accredited or from which he holds an exequatur.

Proposed Legislation

Sec. 1002. An officer or employees of the Service shall not ask or, without the consent of the Congress, receive, for himself or any other person, any present, emolument, pecuniary favor, office, or title from any foreign government: except that the Secretary may authorize a retired officer of the Service to accept an offer of employment made by a foreign government or instrumentality thereof and receive appropriate compensation, but in no event shall he take an oath of allegiance to the foreign government. A chief of mission or other principal officer may, however, under such regulations as the President may prescribe, accept gifts made to the United States, or to any political subdivision thereof by the government to which he

-178-

Sec. 1002.

Existing Legislation

Proposed Legislation

is accredited or from which
he holds an exequatur.

The proposed amendment to section 1002 will permit the Secretary to authorize retired officers of the Service to serve as advisers to the governments of foreign countries. Several newly independent nations have approached the Department requesting the services of retired officers to act as advisers in the administration of foreign affairs in the United States and throughout the world and to provide assistance in training personnel in protocol and the formalities of diplomatic relations.

The Department has been unable to comply with such requests in the case of Foreign Service officers due to the provision to the Constitution prohibiting persons holding offices of profit or trust of the United States from accepting, without the consent of Congress, any office of any foreign state. Because retired Foreign Service officers are held to be "persons holding offices of profit and trust" they have been considered as subject to this prohibition.

This proposed amendment to the Foreign Service Act overcomes this prohibition by giving specific Congressional approval for retired officers to accept offers of employment made by a foreign government if the Secretary gives his approval.

Existing Legislation

PART F--EXEMPTION FROM
TAXATION

Sec. 1051. Section 116
of the Internal Revenue Code,
as amended (53 Stat. 48; 53 Stat.
575; 56 Stat. 842; 58 Stat. 46;
26 U.S.C. 116), relative to ex-
clusions from gross income, is
further amended by adding at the
end thereof a new subsection to
read as follows:

"(k) In the case of an
officer or employee of the For-
eign Service of the United
States, amounts received by such
officer or employee as allowances
or otherwise under the terms of
title IX of the Foreign Service
Act of 1946."]

Proposed Legislation

PART F--COOPERATION WITH
FOREIGN GOVERNMENTS

Sec. 1051. Notwithstanding
the provisions of this or any
other Act or limitation of
authority, the Secretary may,
in order to effectuate the
purposes of this Act, enter
into agreements with any foreign
government or international
organization to provide for
cooperation in, or interchange
of, any facilities or services
authorized under this Act.
Facilities or services covered
by such agreements may be made
available to officers and
employees of the Service and
of the foreign government or
international organization,
and to members of their families
who are part of their household.

The present language of section 1051 is being deleted inasmuch as these provisions are now covered by section 912 of the Internal Revenue Code of 1954, as amended.

Proposed new section 1051 would give the Secretary authority to cooperate with any foreign government or international organization in the provision of facilities or services to officers and employees, and to members of their families, whenever he considers it will assist in effectuating the purposes of this Act. Contemplated under this provision are cooperative agreements covering facilities and services in such fields as training, recreation, commissary and mess. Cooperation in the field of medical services is specifically provided for in proposed section 944.

This authority would be advantageous at posts where, for example, the British government operated recreational or commissary facilities for a relatively large British installation when the size of the American contingent there was too small to justify the installation and operation of such facility for our employees alone. In such instances it would be appropriate to enter into agreements with the British for us to share their facilities. Similarly, where the situation was reversed, cooperative agreements to assist the British would be desirable. At some posts the personnel of neither country is sufficient to justify the establishment of a facility on any but a joint basis.

The proposed language of this section has been made broad and general since it is believed that it should provide a framework for future negotiations which will be sufficiently flexible to meet the situations which might develop.

TITLE XI--TEMPORARY PROVISIONS

Existing Legislation

No existing legislation.

Proposed Legislation

STATUS OF RESERVE OFFICERS

Sec. 1106. Any person
who, on the effective date
of this Act, is a Reserve
officer shall not be required
to be reappointed by reason
of the enactment of this Act;
however, he may be reap-
pointed, in the discretion
of the Secretary under the
provisions of section 522(a)
of this Act.

The purpose of this section is to make possible the continuation in the service of any person who on the effective date of this Act has Reserve officer status. Under the new appointment authority provided by amended section 522 any such officer may, in the discretion of the Secretary be given career status.

Existing Legislation

No existing legislation.

Proposed Legislation

TRANSFER OF OFFICERS AND EMPLOYEES
TO THE RESERVE AND STAFF

Sec. 1107. The President
is authorized, without regard to
the provisions of this or any
other law under such regulations
as he may prescribe, to provide
for the transfer of all personnel
in or under the Department of
State, the Agency for Inter-
national Development, the United
States Information Agency, the
U.S. Arms Control and Disarmament
Agency and the Peace Corps (except
Wage Board employees), who are not
in the Foreign Service of the
United States, within three
years of the effective date
of this Act to an appropriate
class in the Foreign Service
Reserve or to an appropriate

-181c-

Sec. 1107.

Existing Legislation

Proposed Legislation

class in the Foreign Service
staff. Each officer or
employee so transferred shall
receive basic compensation at
the rate of his class deter-
mined to be appropriate by
the Secretary: Except, that
the rate of basic compensation
received by any officer or
employee immediately prior to
the effective date of transfer
shall not be reduced by the
provisions of this Act.

The purpose of this section is to provide that within three years from the effective date of this Act all personnel in or under the Department of State, the Agency for International Development, the United States Information Agency and the Peace Corps (except Wage Board employees) who are not in the Foreign Service of the United States will be transferred to an appropriate class in the Foreign Service Reserve or the Foreign Service staff. Transfer shall be to an appropriate class in the Foreign

-181d-

Sec. 1107.

Service without loss of salary due to such transfer. It is contemplated that many non-Foreign Service officers and employees will elect to transfer at the time the Act becomes effective, others will transfer during the three year interval, and all those who have not chosen employment elsewhere will be brought into the Foreign Service at the end of the three year period. There will be no screening process involved in the transfer from non-Foreign Service to Foreign Service positions.

ANNUAL AND SICK LEAVE ACT OF 1951, as amended
5 U.S.C. 2061, 2062

Existing Legislation

No existing legislation.

Proposed Legislation

Sec. 205(f). No leave shall be charged to the account of any officer or employee for a period of absence due to injury or illness incurred while serving abroad and resulting from acts by a hostile force or person or clearly caused by the fact that the officer or employee was located abroad.

The proposed amendment to the Annual and Sick Leave Act of 1951, as amended, will provide that no charge against sick leave shall be made for any period of absence from official duty which is required fully to recover or be rehabilitated from an illness or injury incurred through hostile or war-like situations or solely by virtue of residence outside the United States.

The provision will permit an absence without charge to leave in those extraordinary situations in which officers and employees have sustained serious illnesses or crippling injuries

from physical violence and unavoidable involvement in wars, guerilla and militant insurgent situations or localized hostile mob actions. Appropriate absences benefits can through this provision also be covered for illnesses or injuries resulting from natural disasters such as typhoons or earthquakes.

Moreover, much needed protection of the employees earning power will be possible in those situations where prolonged disability results from illnesses which can be attributed solely to the fact that the employee was serving abroad and which would not have been incurred had he remained in the United States. Of concern in this latter category are such life-endangering and dread diseases as leprosy, yellow fever, certain malarias, trypanosomiasis (African sleeping sickness), amebic abscesses, schistosomiasis, hemorrhagic fever, leishmaniasis, liver and lung flukes and filariasis. It would not include such illnesses as uncomplicated intestinal parasites, hepatitis, thyroid and para-thyroid, uncomplicated malaria and histoplasmosis.

Three employees have recently sustained serious gunfire injuries in Vietnam. Another has been permanently paralyzed from a gunshot wound incurred in Bolivia. All were performing duties which involved their presence in areas where insurgent operations were in progress. Two of these officers were

relatively new and had inadequate sick leave, including advance sick leave, to carry them through their convalescent periods.

Numerous employees have incurred illnesses that are endemic only to certain foreign areas of the world and which could not have been contracted in the United States. Many years ago one employee contracted leprosy. Fortunately, we have not had a new case in recent years. Nevertheless, many employees and their dependents are assigned to areas where leprosy and other equally serious or disabling diseases are prevalent.

A small but significant number of employees have contracted various types of malaria, schistosomiasis, leishmaniasis, hemorrhagic fever, echinococcus cysts and filariasis.

Because of a mandatory and rigidly enforced program of vaccination against contagious and communicable disease, no employee in recent years has contracted yellow fever, cholera, typhus, plague, smallpox or other equally frightening infectious disease. Yet thousands of employees and their dependents serve in areas in which these diseases are constant threats and often the leading cause of death. In those areas where food and water supplies are not safe, where little or no attention is given to the sanitary disposal of excreta, and where there is the daily risk of pestilential borne disease epidemics, there is an ever present risk to the health of our overseas staff. The medical

consequences of an attack by one of these disabling and disfiguring diseases is of continuing concern. Recognizing an obligation to the personnel who run these risks, the Department seeks a means of retaining them in full pay status while rendering them all necessary hospitalization and related care.

DIFFERENTIALS AND ALLOWANCES ACT
5 U.S.C. 3038

ALLOWANCES AND DIFFERENTIALS IN FOREIGN AREAS
PART D--POST DIFFERENTIAL

Existing Legislation

Sec. 231. A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Such differential also may be granted to any employee who is officially stationed in the United States who is on extended detail in a foreign area. Additional compensation paid as a post differential shall not in any instance exceed 25 per centum of the rate of basic compensation[.]

Proposed Legislation

Sec. 231. A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. Such differential also may be granted to any employee who is officially stationed in the United States who is on extended detail in a foreign area. Additional compensation paid as a post differential shall not in any instance exceed 25 per centum of the rate of basic compensation, except that in the case of any employee

Existing LegislationProposed Legislation

engaged in duty involving
danger of physical injury such
additional compensation shall
not exceed fifty per centum of
the rate of basic compensation.

The proposed amendment to section 231 of P.L. 86-707, "Allowances and Differentials in Foreign Areas," will authorize the payment of up to 50 percent of basic compensation to officers and employees engaged in duty abroad involving danger of physical injury.

The current situation in Vietnam exemplifies the need and the justification for an additional allowance for personnel so engaged. In the course of their official duties, numerous Foreign Service employees assigned to Vietnam are required to visit, and often to reside in, strategic hamlets, many of which are small enclaves in Viet Cong territory regularly under attack. Security is inadequate because of the need for troops in combat exercises. Personnel traveling by aircraft on routine administrative missions are constantly subject to the hazards of anti-aircraft or small arms fire. Reports from Vietnam contain vivid case-history

descriptions illustrating the dangers to which civilian personnel assigned there are exposed. These include descriptions of: grenades thrown into motor vehicles; roadside ambush of vehicle; capture of employee and his Filipino assistant; bombing injuries suffered by dependents; active involvement and participation in fire fight with Viet Cong by U.S. employees; bullets fired at jeeps, helicopters and other aircraft in which U.S. employees were passengers; etc.

In other parts of the world similar cases are reported, in lesser volume, of course, but equally representative of the hazards to which overseas employees may find themselves exposed. An employee in Ecuador was shot in the spinal column; employees were shot at and otherwise harassed by bandits in Ethiopia and in Colombia; cars were burned in Cambodia.

Authority to provide for an additional differential beyond 25 percent to compensate for these dangers is urgently needed.

AMENDMENTS TO THE
FEDERAL EMPLOYEES INTERNATIONAL ORGANIZATION
SERVICE ACT, 5 U.S.C. 2321 et seq.

Existing Legislation

Sec. 2 (7) "Reemployment"
means either the reemployment
or an employee pursuant to
section 4 (a)(5), or the reem-
ployment of a Congressional
employee within ninety days
from the date of his separation
from the international organi-
zation, following a term of
employment not extending
beyond the period specified
by the head of the Federal
agency at the time of consent
to transfer or, in the absence
of such a specified period,
not extending beyond the first
three consecutive years of
his entering the employ of the
international organization.

Proposed Legislation

Sec. 2 (7) "Reemployment"
means either the reemployment
of an employee pursuant to
section 4 (a)(5), or the reem-
ployment of a Congressional
employee within ninety days
from the date of his separation
from the international organi-
zation, following a term of
employment not extending
beyond the period specified
by the head of the Federal
agency at the time of consent
to transfer or, in the absence
of such a specified period,
not extending beyond the first
five consecutive years of
his entering the employ of the
international organization.

Existing Legislation

Sec. 3 (a) The head of any Federal agency is authorized to detail for a period not exceeding three years any employee of his department or agency to an international organization requesting services.

Sec. 4 (d) The provisions of this section shall apply only with respect to so much of any period of employment with an international organization as does not exceed three years or such shorter period as may be specified by the head of the Federal agency from which the employee is transferred at the time of consent to transfer, except that for retirement and insurance purposes this section shall

Proposed Legislation

Sec. 3 (a) The head of any Federal agency is authorized to detail for a period not exceeding five years any employee of his department or agency to an international organization requesting services.

Sec. 4 (d) The provisions of this section shall apply only with respect to so much of any period of employment with an international organization as does not exceed five years or such shorter period as may be specified by the head of the Federal agency from which the employee is transferred at the time of consent to transfer, except that for retirement and insurance purposes this section shall

Existing Legislation

continue to apply during the period in which a congressional employee is effecting or could effect a reemployment or an employee other than a congressional employee is properly exercising or could exercise the reemployment right established by subsection (a) (5). During that reemployment period, the employee shall be considered to be on leave without pay for retirement and insurance purposes.

Proposed Legislation

continue to apply during the period in which a congressional employee is effecting or could effect a reemployment or an employee other than a congressional employee is properly exercising or could exercise the reemployment right established by subsection (a) (5). During that reemployment period, the employee shall be considered to be on leave without pay for retirement and insurance purposes.

The Federal Employees International Organization Service Act, P.L. 85-795, provides that Federal employees with certain exceptions, may serve in public international organizations for periods up to three years while retaining all rights and privileges of Federal service. This legislation has made it possible for many able Americans to undertake short term

assignments with international organizations but experience has proved that there are instances where it is desirable to permit assignments up to five years.

There are several advantages to an extension of the period of assignment from three to five years. Some international organizations are now filling certain important fixed term positions on a five year basis. The three year limitations now in effect would deny Federal employees of the United States Government the opportunity to fill such positions. The qualifying time for participation in the UN Retirement system is five years; thus a Federal employee who makes a career decision while on limited assignment to an international organization would have the protection of reemployment rights and the retention of other Federal benefits until the time of his transfer to an international organization on a career basis.